



## Note to readers

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This State of Colorado Employee Handbook, published in **June 2009** supersedes all previous versions of the State of Colorado Employee Handbook.

State employees are governed by:

- Certain federal laws including, but not limited to, the Fair Labor Standards Act, the Family and Medical Leave Act, the Americans with Disabilities Act, and the Hatch Act, which outlines permissible political activity;
- The [Colorado Constitution](#) and laws passed by the Colorado General Assembly;
- Rules established by the [State Personnel Board](#), which is composed of five Colorado citizens who are not state employees, three appointed by the governor and two elected by employees;
- Administrative procedures ([rules](#)) established by the state personnel director;
- [Fiscal rules](#) established by the State Controller; and,
- Executive orders and policies issued by the [Governor](#).

Certain terms, such as “appointing authority” and “department,” also are defined in director’s rules.

This handbook was written in accordance with federal and state laws, Personnel Board rules, personnel director’s rules and fiscal rules in effect at the time of publication. Subsequent revisions to these could cause conflicting statements. If such a situation should arise, **the laws, personnel rules and fiscal rules will always be the official documents upon which a ruling will be based or an interpretation will be made.** ***This handbook is a guide, not a contract.*** The same caution applies to department handbooks.

While this handbook refers to rules, it is also important to note that technical assistance can provide additional guidance in many human resources areas. Copies of these publications may be reviewed in your department’s human resources office.

Contact your department human resources (HR) personnel if your specific concern may be affected by a rule change. Please contact your HR office before calling the Department of Personnel & Administration Division of Human Resources.

## Useful Telephone Numbers and Web Page Information

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### Department of Personnel & Administration Division of Human Resources

Colorado State Employees Assistance Program ( <a href="#">C-SEAP</a> ).....	303-866-4314
Toll Free.....	800-821-8154
Grand Junction.....	970-255-5784
Sterling.....	970-521-6799
Pueblo/Canon City.....	719-546-4684

### [Total Compensation](#)

Benefits (Insurance).....	303-866-3434
Toll Free.....	800-719-3434
457 Deferred Compensation Plan.....	303-866-3954
State Defined Contribution Retirement Plan.....	303-866-2576

Leave.....	303-866-2391
Pay.....	303-866-2391
Annual Compensation Survey.....	303-866-2391
Job Evaluation.....	303-866-2391
Work-Life Programs.....	303-866-2391
<a href="#">Central Payroll</a> .....	303-866-3725
<a href="#">Risk Management</a> .....	303-866-3848
<a href="#">Rules Interpretation</a> .....	303-866-3662
<a href="#">Selection System Services</a> .....	303-866-2523
State Employee <a href="#">Training</a> .....	303-866-4265
<a href="#">Ombudsman</a> .....	303-866-5383
<a href="#">Appeals</a> , Director Reviews/ <a href="#">Dispute Resolution</a> .....	303-866-2393
<a href="#">Mediation</a> : State Employees Mediation Program .....	303-866-4314
<a href="#">Performance Management System</a> .....	303-866-2169
Governor's Advocate.....	303-866-6559

**Other services:**

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<a href="#">Credit Union of Colorado</a> .....	303-832-4816 or 1-800-444-4816
Public Employees' Retirement Association ( <a href="#">PERA</a> ).....	303-832-9550
InfoLine.....	303-837-6250
.....	1-800-759-7372
<a href="#">State Personnel Board</a> .....	303-866-3300
<a href="#">Working Together Foundation</a> .....	303-831-8645
<a href="#">Department of Personnel &amp; Administration</a>	

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## **I. Workplace Basics**

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### **A. Allocation**

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In the state personnel system, you must meet the minimum requirements and compete for any position for which you apply, including your own position if it is allocated to a different class. Even temporary employees must meet the minimum requirements for a position, although there is no competitive process for such temporary positions. You must maintain Colorado residency to retain employment in the state personnel system.

### **B. Employment Status**

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Depending on the type of appointment, you will be placed in one employment status.

#### **1. Probation**

New employees appointed to permanent positions in the state personnel system serve a probationary period that does not exceed 12 months, except when extended for periods of unpaid, and possibly, paid leave. The purpose of a probationary period is for both you and your supervisor to determine that you are able to perform the duties of the job satisfactorily. A new probationary period may be required if you are a former state employee who has been rehired into the state personnel system.

#### **2. Trial Service**

A trial service period that does not extend beyond six months, except when extended for periods of leave, applies to certified employees who promote to a higher class.

If you do not satisfactorily perform the duties of the position or if the final resolution of a selection appeal results in your being displaced, you may be “reverted” to a vacant position in your current department and former class, if one exists. Your appointing authority also may choose corrective or disciplinary action instead of reversion or separation.

#### **3. Certification**

After you have satisfactorily completed your probationary or trial service period, you are “certified” to your job class in the state personnel system. As a certified employee, you are granted all rights and benefits specified by law.

## **C. Work Schedule**

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Colorado law requires that all state offices be open for business Monday through Friday from 8:30 a.m. to 5 p.m. except for legal holidays. However, most state offices are open for business by 8 a.m. and some remain open later than 5 p.m. Some departments operate around the clock, every day. Your appointing authority is responsible for assigning your working hours and for determining the hours your department is open for business. All state employees are expected to be at work regularly and on time. If you will be late or absent, you should call your supervisor immediately.

If you are eligible for overtime, any meal periods should be taken away from your desk to avoid interruptions and ensure you are completely free of work. Breaks are not mandatory and, if granted, count as work time and cannot be used at the beginning or end of the workday or to add to a meal period.

Flexible work arrangements, such as Flextime, Flexplace, and Job sharing, have been endorsed through multiple [executive orders](#). Employees are encouraged to review their department’s flexible work arrangement guidelines or policy and discuss options with their supervisor to see if he/she and their job assignment are appropriate for such an arrangement. Appointing authorities are encouraged to use these options where

appropriate, given operating needs. [Flexible work arrangements](#) are not a state employee right and are subject to qualification and appointing authority approval.

- Flextime is an individualized work schedule other than the traditional schedule (e.g., a compressed work schedule Monday – Thursday 7 a.m. – 5:30 p.m. & Friday off).
- Flexplace, also known as telecommuting, is an arrangement where work is performed at a location other than the regular or traditional office.
- Job sharing uses two employees to share or perform the duties of a single full-time or part-time position.

## **D. Work Behavior**

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Employees are expected to know and adhere to personnel rules, laws, and executive orders governing their employment. You may voluntarily and knowingly waive, in writing, rights under the state personnel system, except where prohibited by state or federal law. This includes the right to waive base pay during a fiscal emergency, if approved by your appointing authority.

### **1. Conduct**

As a representative of the state you are required at all times to use your best efforts to perform assigned tasks promptly and efficiently and to be courteous and impartial in dealing with those we serve. Courtesy, tact and helpfulness on your part will do much to create the positive image state employees deserve.

Maintain the public's confidence in the integrity of state government by refusing outside compensation for performing your state duties. Do not take additional compensation (fee, gift, reward, gratuity, expenses, etc.) that could result in real or perceived preferential treatment, impediment of governmental efficiency or economy, loss of complete independence and impartiality, decision making outside official channels, disclosure or use of confidential information acquired through state employment. \* If you receive such compensation and it cannot be returned, turn it over to your supervisor immediately. Please see the Independent Ethics Commission Web site for further [guidance](#).

*\*Exception: You may accept awards from non-profit organizations for meritorious public contributions. Honoraria or expenses for papers, demonstrations, and appearances made with prior approval of your supervisor may also be kept if it occurs during a holiday, unpaid leave, a scheduled day off, or outside normal work hours.*

Protect and conserve state property and use taxpayer dollars prudently. No state time, property, equipment, or supplies shall be used for private purposes or any other purpose not in the interests of the State of Colorado.

You have the right to be treated with dignity and respect. It is to the state's benefit to employ a diverse workforce to assist in providing effective customer service. Discrimination against any person is prohibited because of race, creed, color, gender (including sexual harassment), sexual orientation, national origin, age, religion, political affiliation, organizational membership, veteran's status, disability, or other non-job related factors.

### **2. Personal Appearance**

No personnel rules or statewide policies exist about personal appearance. Be guided by your supervisor in regard to any special clothes or equipment needed for your job. Otherwise, the state asks that you dress in a manner suitable for your work and consistent with good taste and good personal hygiene. Individual departments may have their own particular dress code.

### **3. Political and Employee Activities**

While you may participate in political activities subject to state and federal laws, no state facility or resource can be used for this purpose. State employees also may not campaign actively for any candidate on state time or in any manner calculated to exert the influence of state employment.

You have the right to join any employee organization. Solicitation of members is not allowed during work hours without prior approval of your appointing authority.

#### **4. Outside Employment**

It is expected that your state job will be your principal employment. Outside employment, either with another state department or an employer other than the state, or other activity (business transactions or ownership, volunteer positions, etc.) that is or could be perceived as incompatible with the duties and responsibilities of your state position is prohibited. You must get advance written approval from your appointing authority before engaging in outside employment. Failure to obtain approval before beginning outside employment may result in corrective or disciplinary action.

#### **5. Substance Abuse**

The State of Colorado's substance abuse policy is contained in an executive order. Many agencies have established their own policies regarding specific circumstances in which testing is required.

As a state employee, you have several options for health coverage for situations involving alcohol or drug abuse. If you are enrolled in one of the state's health plans, consult your plan information or your insurance carrier before seeking any treatment to ensure coverage of the costs.

Other helpful resources include: the benefits administrator or human resources office in your agency, the DHR Employee Benefits Unit and the [Colorado State Employees Assistance Program \(C-SEAP\)](#).

#### **6. Employment of Relatives**

Appointing authorities have discretion to reassign related employees to different sections or divisions. For example, a principal department head might elect to assign a father and son to different sections or divisions of the department so they are not in the same reporting chain. A state law applies to spouses or employees who plan to marry. It states that it is discriminatory or an unfair employment practice for an employer to terminate or to refuse to hire an employee solely because the person is married to or plans to marry another employee of that employer. However, an employer can refuse to hire a person in cases where:

- One spouse would have direct or indirect authority to supervise, appoint, dismiss or discipline the other spouse;
- One spouse would audit, verify, receive or be entrusted with money received or handled by the other spouse; and,
- One spouse has access to the employer's confidential information, including payroll and personnel records.

#### **E. Performance Expectations**

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There is a basic expectation that all employees will perform successfully in their jobs based on constitutional provisions, statutes, rules, and their department's policies that determine success in the workplace. Failure to meet performance expectations can have a variety of workplace consequences.

#### **F. Performance Management**

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The State of Colorado promotes an employee-centered approach to performance management. State law, Personnel Board rules, and the personnel director's rules require that each classified employee's performance be evaluated at least once a year. Employee performance is managed through ongoing continuous feedback throughout the performance rating cycle, regarding how their performance is meeting the supervisor's expectations, coaching, and a simplified, "no surprises" approach to conducting annual evaluations.

As an employee, you are accountable for your own performance. This is achieved by:

- Clarifying the expectations for your job with your supervisor;
- Asking questions and discussing problems as they arise;
- Maintaining your own records about your performance;
- Sharing your goals and expectations with your supervisor;
- Giving input to improve the work environment; and,
- Accepting responsibility for your work performance and determining ways to improve it.

Supervisors guide, direct, and support the work of employees. Supervisors are responsible for:

- Communicating the performance management process to their staff;
- Setting clearly defined expectations for the employee's job performance;
- Meeting regularly with employees to provide continuous quality feedback;
- Documenting significant events throughout the rating cycle;
- Providing praise often and helping motivate employees to achieve expectations;
- Correcting or redirecting behavior when necessary; and,
- Encouraging employee growth by teaching, coaching, and mentoring.

Detailed components of the performance management system are documented in Chapter 6 of the personnel director's [rules](#) as well as individual department or higher education institution Performance Programs.

## **G. Job Description**

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Each position in the state personnel system must have an official job description describing the permanent duties and responsibilities assigned by the appointing authority. This official document plays a key role in a number of human resource processes, ranging from determining the class for your position, assisting in performance planning and organizational staffing, and to determining retention rights. Therefore, it is important that you and your supervisor periodically review the document for accuracy (e.g., annually during the performance planning process).

## **H. Work Change Policies**

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### **1. Job Evaluation/Position Allocation**

Each position in the state personnel system is assigned to a specific class. If the permanent duties of your job change significantly, your position may be evaluated to determine the correct class based on an official job description.

Department HR offices usually process evaluations of positions in their organizations. As a result of an evaluation, your position can move to a higher or lower class or can remain in its current class.

- If your position is allocated to a higher class (class with a higher pay range maximum), you may compete for the position. If you do not meet the minimum qualifications for the new class, you will begin the layoff process.
- If your position is allocated to a lower class (class with a lower pay range maximum) and you are certified, you may choose to voluntarily demote in your position, have your name placed on a reemployment list for your former class, and your base pay will remain the same, including saved pay. If you do not choose the demotion option, layoff provisions apply. If you are a probationary employee, you may demote to the position in lieu of layoff if you qualify for the new class.



## **2. Transfer**

Transfer is a privilege that allows you to move to a vacant position in your same class or a different class at a pay grade with the same pay range maximum, provided that you meet the requirements of the class and position to which you are transferring. An appointing authority can transfer you to other units or divisions within your department. You or your appointing authority may request a transfer.

Before a transfer between departments or divisions occurs, both appointing authorities should agree to the timing and any other details.

## **3. Promotion**

Several kinds of promotional opportunities are available to state employees. Some vacancies will be open only to current employees in a department or division while others will be open to other state employees or the public. In all cases of promotion, you must apply for and compete with all other qualified applicants.

#### **4. Layoff**

Layoffs may only be initiated due to lack of work, lack of funds, or reorganization. The department, college or university abolishing the positions administers the layoff process.

Certified employees who are subject to layoff have retention rights throughout the principal department in which they are employed, unless advance approval by the Personnel Board limits retention rights to major divisions within the principal department. Probationary employees are given a notice at least 10 days before separation.

Retention rights of certified employees are limited to classes in which the employees have been certified and to vacant lower level positions in the employees' current and previous class series. The employee must meet the minimum qualifications of a position. Employees do not have a right to be offered positions at a higher level even though they may have previously been certified to higher classes.

Departments at their discretion may offer employees, who may be affected by a layoff, the option of voluntarily waiving retention rights in exchange for a cash [separation payment](#).

#### **5. Reemployment**

The names of certified employees who are laid off or demoted as a result of the layoff process are placed on a departmental reemployment list for up to one year. Reemployment rights allow employees to be returned to the class from which they were separated. When referrals are made, all names are referred and the appointing authority may select which person to appoint.

When hired from a reemployment list, an employee's base pay will be at the same rate as it was before being placed on the reemployment list. In addition, all previously accrued sick leave and the annual leave-earning rate are restored. An employee does not have a break in service if appointed from a reemployment list.

#### **6. Resignation**

You are expected to submit a written resignation to your appointing authority at least 10 working days before the effective date, unless you and your appointing authority agree to less time. If you do not give sufficient notice, your records may reflect that fact, and it may result in a delay of leave payout and forfeiture of reinstatement privileges. You may withdraw your resignation within two business days of giving notice. Your appointing authority has the option of approving a request to withdraw a resignation that is made after two business days.

An employee who resigns in lieu of disciplinary action, while under suspension, or while awaiting disciplinary action, forfeits the right to a hearing on the action or suspension.

If you are absent without approved leave for five or more scheduled consecutive working days and have not contacted your supervisor or appointing authority, and they cannot contact you, you may be deemed to have resigned and are ineligible for reinstatement.

#### **7. Reinstatement**

If you are a former or current certified employee and wish to reinstate to a vacant position in the same (or a related) class in which you were previously certified and left in good standing, the appointing authority for the vacant position has the discretion to reinstate you without requiring you to compete for the position. You must meet the minimum qualifications as well as all conditions of employment for the position into which you are reinstating, and, per personnel rule, you may be required by the appointing authority to serve a probationary period of up to twelve months.

If you are a former classified employee returning to the state personnel system, regardless of whether you are reinstated or required to compete, your previously accrued sick leave, up to the maximum accrual allowed by personnel rule, and the rate at which you were earning annual leave at the time you left the state personnel system, are restored.

## II. Total Compensation

### A. Pay

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The state as an employer is committed to providing a competitive compensation package based on comparisons to employers in the public and private sector. Your pay may change due to a number of actions (annual adjustments, promotions, demotions, etc.). In addition, there is a specific order for calculating pay when multiple actions are effective on the same day. It is important that you verify your pay when changes occur and report any potential errors immediately.

#### 1. [Pay Plans](#)

Pay is based on an assigned class that has a pay range minimum and maximum. Each of the six occupational groups has a pay plan.

#### 2. [Annual Compensation Survey](#)

Each year DHR surveys the labor market so the state can remain a competitive employer. The annual compensation survey process begins each spring. Employees are invited to comment on the published proposed survey process. Based on survey findings, the personnel director makes recommendations for changes to pay ranges and salary (achievement pay) and state contributions to group benefit plans. The survey findings and recommendations are published on August 1. These recommendations are subject to funding by the legislature.

Any change in pay and group benefit plans is implemented on July 1 unless the legislature passes a law with other provisions. When recommendations on pay ranges are implemented, the values of each range are adjusted according to the survey findings for each occupational group and represent market adjustments – not cost of living adjustments. Please see [annual survey process, report, or recommendation](#) for more information.

#### 3. [Salaries](#)

Normally the entry salary is the minimum rate for the class to which a person is hired, including former employees (except those laid off within the past year). In cases of unusual market conditions, or recruitment difficulties, an employee may be hired above the minimum, at the discretion of the appointing authority.

Salary may remain the same or increase in an upward movement to a higher pay grade (promotion, position allocation, system maintenance study). The employee's base salary must fall between the minimum and maximum of the new pay range. In the case of a system maintenance study involving a class, salary does not increase unless it falls below the minimum of the new range because system maintenance studies are implemented on a "dollar-for-dollar" basis – does not generally result in salary increases or decreases for employees.

Salary may remain the same or decrease in a downward movement to a lower pay grade. In the case of a job evaluation action (position allocation or system maintenance study), your current base pay will remain the same, including above the maximum of the new range for up to three years. At the end of the three-year period, your salary must be placed at the maximum of the range, if still above the maximum. In the case of other demotions (non-disciplinary demotion or discipline), salary cannot exceed current base pay and maximum of the new range.

Base salaries may also be adjusted through the use of [in-range salary movements](#) (range compression, counteroffer, delayed promotion, and new hire). These movements are base building and discretionary on the part of the department.

#### 4. [Achievement Pay](#)

Annual salary increases for employees in the state personnel system are based on performance. The State's performance pay mechanism is called achievement pay. Employees who receive a final overall performance rating of successful or exceptional are eligible for base-building achievement pay. Base achievement pay consists of two components; market and performance. Employees who receive a final overall performance rating of exceptional are eligible for non-base building achievement pay. Non-base achievement pay is a one-

time, lump sum award that must be earned each year through continued exceptional performance. Payment is subject to the policies of the personnel director and available funding by the legislature. Those who receive a final overall performance rating of needs improvement are ineligible for achievement pay. Payments are made in July, unless specified otherwise through legislative action.

#### **5. Incentives and Recognition**

Departments may administer programs designed to reward and recognize employees with cash and non-cash incentives or recognition programs. Such programs are developed with employee involvement and are communicated within a department on an ongoing basis.

#### **6. Premium Pay**

Compensation also includes several different types of premium pay. All premium pay requires advance approval unless specifically indicated in the published compensation plan.

**a. Overtime** – The federal Fair Labor Standards Act (FLSA) applies to all employees and cannot be waived. Overtime is any time worked by eligible employees in excess of maximum hours allowed in a standard workweek, typically 40 hours (law enforcement and health care may have different designated work periods). An eligible employee is paid in cash or compensatory (comp) time off at a rate of one and one-half times for overtime hours. Your supervisor may adjust leave requests or schedule the use of comp time to avoid overtime liability. Determining eligibility for overtime pay is the responsibility of your department.

If you are not eligible for overtime, you will not receive pay or comp time for hours worked in excess of 40 hours in a week. If FLSA exempt, you may be required to work beyond 40 hours if needed to accomplish the work, including evenings, weekends, and, if necessary, holidays.

**b. Shift Differential** – Shift differential is pay in addition to an eligible employee's base pay rate, in compensation for working certain shifts. The personnel director determines eligible classes and departments may approve positions in other classes.

**c. Call-Back Pay** – Call-back pay is a minimum of two hours pay when an eligible employee is required to return to work after completing the assigned shift or called to work before a scheduled shift. There must be a break between shifts and not simply a continuation of a regularly scheduled shift.

**d. On-Call Pay** – On-call pay is a special established rate of pay earned by an eligible employee while specifically assigned in advance to on-call status. The personnel director sets the premium rate annually.

**e. Other Pay Premiums** – Other premiums such as hazardous duty pay, second domicile pay, housing allowance, and discretionary pay differentials (e.g., signing and referral bonuses, and temporary assignment pay differentials) may also be available.

#### **7. Payroll**

State employees shall be on the Direct Deposit Payroll Program unless the state controller or delegate approves an exception. Payday is the last working day of the month except June, which is the first working day of July.

#### **8. Reimbursing for Overpayment or Underpayment**

According to present law and fiscal rules, an employee is responsible for reimbursing overpayment made by the state to the employee regardless of who made the error. The state, on the other hand, is responsible for any underpayment. Accordingly, employees are advised to review pay changes carefully, because they share in the responsibility for proper amounts. Familiarity with how state pay is computed is essential.

#### **B. Leave**

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Regular attendance and punctuality are an essential part of each state job. Use your leave responsibly. Follow your department's protocol on requesting leave and reporting absences. Any leave should be requested as far

in advance as possible (typically 30 days) by completing a State of Colorado [Leave/Absence Request](#) form. Your supervisor will determine the type of leave to be used. Unauthorized use of any leave may result in the denial of paid leave and/or corrective or disciplinary action.

### **1. Accrual**

Permanent full-time and part-time employees earn (accrue) leave each month but it is not available for use until the 1<sup>st</sup> of the following month. Temporary employees do not accrue leave. Borrowing against future leave or “buying back” used leave is not allowed. Permanent part-time employees and full-time employees who work, or are on paid leave, less than a full month, earn a pro-rated amount of leave time. Paid leave is used before unpaid leave unless a specific type of leave does not apply to your circumstances.

### **2. Annual Leave**

Annual leave is used for personal needs such as vacation or personal business. Your appointing authority may establish periods when it will not be allowed or is required. In some cases involving other types of leave (e.g., exhaustion of sick leave or family/medical leave), use of annual leave may be required.

Any annual leave accrued beyond the maximum carryover is forfeited at the start of each new fiscal year (July 1). Upon separation, an employee is paid for all unused accrued annual leave, up to the maximum.

#### **ANNUAL LEAVE EARNING**

Years of service	Hours earned per month	Maximum accrual
1 <sup>st</sup> -5 <sup>th</sup> year	8 hours (1 day)	192 hours (24 days)
6 <sup>th</sup> -10 <sup>th</sup> year	10 hours (1 ¼ day)	240 hours (30 days)
11 <sup>th</sup> -15 <sup>th</sup> year	12 hours (1 ½ days)	288 hours (36 days)
16 <sup>th</sup> - on	14 hours (1 ¾ days)	336 hours (42 days)

### **3. Sick Leave**

Sick leave is provided for health reasons. It may also be used for the health needs of a family member as defined in personnel director’s [rules](#) (Chapter 5). Note: a different definition of family member applies to family/medical leave.

It is accrued at 6.66 hours per month by full-time employees. Accrual is limited to 360 hours (45 days) plus any sick leave accrued on July 1, 1988. This means that employees who worked in the state personnel system on July 1, 1988, have individual maximum accrual rates for as long as they stay with the state.

At the end of a fiscal year, accumulated sick leave beyond the maximum limit is converted to annual leave at a rate of five hours of sick leave to one hour of annual leave, up to a maximum of 16 hours of annual leave and the remainder is forfeited.

The State of Colorado [Medical Certificate](#) forms for employee or family member are to be completed by a health care provider, except for the qualifying exigency leave, within 15 calendar days is required for any absence from work of more than three consecutive full workdays or sick leave must be denied. This statement is required for both personal and family usage.

A State of Colorado [Fitness-To-Return Certificate](#) is required when an employee is absent from work for more than 30-calendar days due to the employee’s own health condition. The appointing authority may require this certification for any absence of 30 days or less based on the nature of the health condition in relation to the job assignment.

If you exhaust your sick leave and are unable to return to work, accrued annual leave will be used. If annual leave is exhausted, your appointing authority has the discretion to grant you unpaid leave or administratively discharge you if family/medical leave, short-term disability leave or the Americans with Disabilities Act are inapplicable.

All unused sick leave is forfeited upon separation, except for employees meeting age and service requirements

under the Public Employees' Retirement Association (PERA) defined benefit plan on the date of separation, regardless of the retirement plan actually enrolled in. Employees who meet these retirement requirements are compensated for one fourth (1/4) of their accrued sick leave up to their maximum accrual.

#### **4. Holiday Leave**

Ten legal holidays are observed. Permanent full-time employees are granted up to eight hours of paid leave for each holiday (pro-rated for part time). If an employee works an alternate schedule, arrangements must be made to cover the extra hours. You must be at work or on paid leave your scheduled work day before or after a holiday to receive the paid leave. If a holiday is observed on the first regularly scheduled workday of the month you are hired, you will be granted leave, provided you work all other scheduled workdays of the month.

Appointing authorities may adopt alternate holiday schedules depending upon the operating schedules of their departments. When an alternate holiday schedule is adopted, the alternate holidays take the place of the legal holidays for all purposes of the holiday leave provisions. A department head has the discretion to grant César Chávez Day (March 31) in lieu of another holiday in the same fiscal year.

#### **5. Other Types of Leave**

**a. Work-Related Illness or Injury** – An employee who suffers an on-the-job injury or illness that is compensated under the workers' compensation program is granted up to 90 absences if the temporary payments are assigned to the department. Note that unlike other types of leave, this is counted in whole day increments regardless of the number of hours actually absent. If the 90 days are exhausted, "make whole" applies where any accrued paid leave is used in an amount that is closest to the difference between the temporary payment and the employee's gross base salary, excluding any pay differentials.

**b. Short-Term Disability Leave** – An employee with one year of service is eligible for up to 180 days of short-term disability (STD) leave when applying for or receiving short-term disability benefits. To be eligible for the leave, your application for the benefit must be submitted through the department within 30 days from when the absence begins or at least 30 days prior to exhaustion of all sick leave. There is a 30-day waiting period before STD benefits begin during which you must use sick leave, followed by annual leave, then unpaid leave, if necessary.

The STD leave is treated as unpaid leave for the purpose of earning sick and annual leave and seniority. If you applied for STD leave, your employment cannot be terminated during the STD waiting period. Your employment with the state may be terminated if you are denied STD and are ineligible for or have exhausted family/medical leave, or you fail to apply for STD benefits. Although an employee with less than one year of state service is ineligible for the leave, the employee may still be eligible for the STD benefit. Also, you may be granted unpaid leave.

**c. Bereavement Leave** – Employees may request up to 40 working hours of paid bereavement leave to make arrangements for, travel to and attend services or to grieve family members or other persons (not for settling estates). Supervisors and employees have mutual responsibility to engage in a dialogue so that the employee's needs are clear. Employees are expected to request the amount of leave needed in writing and communicate their needs to the supervisor. This includes divulging the nature of the relationship and the employee's needs related to grieving and any service or gatherings.

**d. Military Leave** – Upon presenting proper military orders, a member of the National Guard, military reserve, or National Disaster Medical Service is granted up to 15 working days in any calendar year of military leave for the annual encampment or equivalent reserve-training, or when called to active service including declared emergencies.

An employee must return to work upon release from active duty if serving in the National Guard for a state emergency. An employee called to active federal military service must apply to return to work. Failure to follow procedures for return to work may be deemed a resignation from state employment.

**f. Jury Leave** – Paid jury leave is granted for the time that a permanent employee is required to serve on jury duty. Temporary employees are granted up to three days of paid jury leave required during those

days they are normally scheduled to work. Jury pay is not turned over to the department.

**g. Unpaid Leave** – Unpaid leave could result in an adjustment to service dates and a probationary or trial service period, which may also be extended for paid leave. It also may affect the amount of paid leave earned.

**h. Administrative Leave** – Administrative leave is paid time off that is granted at the discretion of the appointing authority for purposes that the appointing authority determines are for the good of the state.

You will be granted administrative leave to participate in hearings or settlement conferences at the direction of the Personnel Board or the personnel director, or to testify in court or official government hearings on state-related matters when required to do so by an appointing authority or subpoena. Two days of administrative leave are granted in a fiscal year to an employee who donates organ, tissue, or bone marrow for a transplant. These two days cannot be accumulated for use in a subsequent fiscal year. An employee with fewer than three hours of non-work time scheduled between 7:00 a.m. and 7:00 p.m. on General Election Day (even numbered years) is also granted two hours of administrative leave to vote. An employee serving as an election judge can receive paid administrative leave, provided his/her supervisor determines the employee's attendance at work is not essential. The employee cannot receive any other compensation and must provide evidence of service. In addition, up to 15 days in a calendar year for a qualified volunteer of a qualified volunteer organization as listed by the Department of Local Affairs (DOLA) when directed to serve during an emergency within the state, or a member of the civil air patrol called to duty for a rescue mission. Employees are to be restored to the same position and class as if they had not taken the leave. If the certified disaster volunteers in the American Red Cross also qualify for this volunteer leave, the two leaves run concurrently. The American Red Cross volunteer leave runs on a fiscal year not a calendar year.

**i. Victim Protection Leave** – An employee with one year of state service is granted up to 24 hours per fiscal year of unpaid leave when the victim of stalking, sexual assault, domestic abuse or violence. All annual leave and applicable sick leave must be exhausted. Information related to this leave is confidential.

**j. Family/Medical Leave** – Family/medical leave is a guaranteed period of time with job protection. FMLA rights cannot be waived. The amount of paid or unpaid leave during family/medical leave depends on the individual case. An employee is required to use all accrued sick leave, to the extent allowed by the sick leave policy, and all accrued annual leave. All other types of leave and absences that also qualify as family/medical leave will be counted toward family/medical leave, except while “make whole” applies under workers’ compensation conditions.

An employee with one year of total state service, before the leave begins, is eligible for up to 520 hours of family/medical leave per fiscal year (pro-rated for part-time employees). The service time does not need to be consecutive because it is based on the total time on the state payroll.

Federal law expanded the reasons for FMLA effective January 16, 2009, to include military caregiver leave for a single period of up to 1040 hours in a single 12-month period, beginning the date leave begins.

Family/medical leave is granted for:

- Birth and care of your child or the placement and care of a child for adoption or foster care. The leave must be completed within one year of the birth.
- Care for a child, parent, or spouse with a serious health condition. Child is defined as under the age of 18 or over the age of 18 if disabled as defined under the America with Disabilities Act (ADA).
- When a child, parent, or spouse experiences a qualifying exigency directly related to being called to or on active duty for a contingency operation during a declared war. Examples of qualifying exigency include, short-notice deployment, military events and related activities, short-term



childcare and school activities due to the exigency, financial and legal arrangements due to the exigency, non-medical counseling, post-deployment activities, and additional activities mutually agreed upon by the employee and appointing authority.

- Care for a child, parent, spouse, or next of kin who suffers a serious injury or illness in the line of duty while on active duty in support of a contingency operation. Next of kin means nearest blood relative other than the covered service member's spouse, parent, son or daughter, in the following priority order: relatives granted legal ward or custody through court order, brother and sister, grandparents, aunts and uncles, and first cousins. If the service member has declared a next of kin, only that individual is considered next of kin. If the service member has not declared a next of kin, all those mentioned above are considered next of kin and eligible for the leave, e.g., all siblings are eligible and if none, all grandparents are eligible and so on.

For purposes of family/medical leave, an immediate family member is defined as the employee's child including a foster, adopted, or step child, legal ward, or a disabled adult child 18 or over as defined by the Americans with Disabilities Act (ADA); parent (including individuals who filled the role of a parent); or spouse (including common-law marriage). This is a different definition than that used for general sick leave.

The appointing authority may approve a request for additional time beyond the family/medical leave, but approval is not guaranteed. Any extension is not family/medical leave and is subject to the provisions of any regular type of paid or unpaid leave.

Serious health condition is defined as an illness, injury, impairment, physical or mental condition that requires inpatient care in a hospital, hospice, or residential medical care facility, or continuing treatment by a health care provider. This includes temporary pregnancy-related disability (pre-natal visits, childbirth and recovery).

In the case of a serious health condition that qualifies for family/medical leave, the employee may request intermittent leave or a reduced work schedule when medically necessary. The appointing authority also has the discretion to grant requests for intermittent or reduced work schedules for reasons not related to medically necessary treatment. The appointing authority has discretion to temporarily transfer an employee to another position at the same pay grade during unpaid family/medical leave that better accommodates this work schedule.

Benefit premiums will continue to be paid through normal payroll deduction when the family/medical leave is paid.

Any unpaid family/medical leave is treated the same as unpaid leave except the department continues to pay the state's contribution to benefit premiums if an employee continues to pay the employee contribution in a timely manner. Coverage may be terminated if the employee contribution is not paid in a timely manner. An employee must make arrangements for such payments through the department payroll administrator or office.

As with any type of leave, advance notice and approval is expected before the leave begins, except in emergencies. Leave should be requested using the [State of Colorado Leave/Absence Request](#) form. One month's advance written notice is required when the need for leave is foreseeable. When such notice is not possible, the employee should give as much notice as practicable. The employee is obligated to state the reason for the requested leave so that the appointing authority can determine whether any absence qualifies for family/medical leave. Failure to provide proper notice requesting leave could delay the start of any family/medical leave to which the employee is entitled.

The appointing authority and employee are expected to work together to establish a mutually satisfactory schedule for intermittent treatments, periodic check-in, return to work arrangements, etc.

In the case of a serious health condition, the requirements for the [Medical Certification and Fitness to Return Certificate](#) forms are consistent with sick leave. If not provided, family/medical leave could be



delayed or denied, or return to work could be delayed.

Upon return to work from family/medical leave, an employee is placed in the same or an identical position, subject to the conditions of the Family and Medical Leave Act. Restoration to the same or equivalent job does not apply if the employee would have otherwise been separated had the leave not been taken (e.g., layoff or disciplinary termination). For purposes of the employee's evaluation, any time taken for family/medical leave (except fraudulently taken) shall not be considered in the performance rating or in corrective/disciplinary action. More information can be found at the [leave](#) Web site.

**k. Leave Sharing** – Department directors and presidents of colleges and universities may authorize a leave-sharing program to allow employees to donate annual leave to another employee. The donation of sick leave is not allowed. Each department designs its own program within parameters established by the personnel director. Leave sharing is permitted when an employee or an immediate family member (as defined in the sick leave section) is experiencing a catastrophic life-threatening illness or injury.

To request donated annual leave, the employee must have a minimum of one year of service and exhaust all accrued annual leave and sick leave. Leave sharing is not a substitute for other temporary benefits such as short-term disability benefits. Thus, it cannot be used when such benefits apply. The approval of a request is at the sole discretion of the department head. Denial of a request to transfer or receive annual leave cannot be grieved or appealed.

Department heads are authorized to expand their leave sharing programs under two circumstances. One is when an employee is called to active military duty in support of the war against terrorism and is experiencing financial hardship. The other is for employees directly affected by life-altering catastrophic events or emergencies. It should be noted that there are some differences in these circumstances from regular leave sharing.

## **C. Group Benefit Plans**

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Information regarding the benefit plans and the rules and procedures that govern the plans, as well as access to the online Benefits Administration System (BAS), is available on the [employee benefits](#) Web site.

As a permanent employee, you are eligible for a variety of group benefit plans. You have 31 days from your date of hire to enroll in the various plans, and day one is the date of hire, and your coverage is effective the first of the month after your date of hire. Enrollment in these benefits is completed *only* through the online Benefits Administration System. If you do not enroll at the time of hire you must wait for the next annual open enrollment period, although there are special HIPAA enrollment rules that could allow enrollment mid-year, such as loss of other coverage, marriage, birth, etc. Examine all benefits information provided, paper and electronic, in order to make informed decisions. Ask questions before making a decision and review and verify the accuracy of your elections before submitting and approving them.

Once enrolled in any of the group benefit plans, you then have certain responsibilities: to verify the accuracy of enrollment elections and the deductions for these elections, to provide required supporting documents (e.g. birth or marriage certificates), to inform your department of any changes, and, most importantly, to become familiar with the plans you have elected, as well as any information regarding the state rules and procedures governing those plans.

You are allowed to add a new spouse or dependent child within 31 days of a qualifying event, such as marriage or birth. Day one of this 31-day window is the date of the event, such as the date of marriage or birth. Such changes must be made in the online Benefits Administration System. When your spouse or dependent child is no longer eligible, you must make the appropriate change in the online Benefits Administration System within 31 days of the ineligibility date. You must also provide any supporting documentation regarding changes within the 31-day window (e.g., documents that verify a new spouse, a divorce, a new child or a change in a spouse's employment or eligibility for benefits with another employer).

## **1. Medical & Dental Insurance**

The state offers medical and dental plan coverage for eligible state employees and their eligible dependents. The monthly premium for such coverage consists of an employer portion and an employee portion. The state pays the employer portion of this monthly premium. Your contribution to the monthly premium is deducted from your pay.

## **2. Life Insurance**

All eligible employees in the state personnel system are provided state-paid, basic group term life insurance and accidental death and dismemberment (AD&D) coverage in the amount of \$50,000. Optional group term life and AD&D coverage is also available for you, your spouse and dependent children in \$10,000 incremental amounts up to \$300,000 for employee, \$150,000 for spouse, and in the amounts of \$5,000 or \$10,000 for dependent children. Spouses and dependent children may not have more than 50% of the amount elected by the employee. For a spouse or dependent child to be eligible, an employee must have approved optional coverage. The employee is responsible for the entire premium for this optional group term life and AD&D coverage.

Only at the time of a hire, coverage amounts of up to \$60,000 for the employee and \$30,000 for the spouse are guaranteed and do not require any type of medical evidence or medical underwriting. These guarantee issue amounts are available only to new hires, or at the time of marriage of the employee or the birth or adoption of a child for the employee or the death of a spouse, and are not available during the annual open enrollment. Amounts above these limits are not guaranteed and must be approved by the state's contracted life insurance carrier, which requires submitting evidence of insurability in the form of a medical history statement. If approved, coverage is effective the first of the month after approval. Coverage for dependent children does not require evidence of insurability, but the employee must elect and be approved for optional coverage for dependent child coverage to be in place. Dependent child coverage covers all eligible dependent children of an employee for a single, monthly premium.

If you do not enroll at the time of hire you must wait for the next annual open enrollment period. During the annual open enrollment *no* amount of coverage for the employee or spouse is guaranteed, and *all* amounts elected require evidence of insurability.

## **3. Disability Insurance**

**a. Short-term Disability** – All eligible employees in the state personnel system are automatically enrolled in the state-paid short-term disability (STD) program. This program provides 24-hour coverage for disabilities that occur because of accident or illness.

PERA also offers a short-term disability program for state employees with five or more years of service. Please contact [PERA](#) directly for details.

**b. Long-term Disability** – Employees who work at least 30 hours per week may apply for the voluntary long-term disability (LTD) program. Coverage is *not* guaranteed and must be approved by the state's contracted LTD carrier, which requires submitting evidence of insurability in the form of a medical history statement. If approved, coverage is effective the first of the month after approval. The premium for LTD coverage depends on age, salary and vesting status within the PERA Defined Benefit (DB) retirement plan (if the PERA DB plan is *not* chosen as your retirement plan, then your PERA DB vesting status is, and will remain, non-vested). You are responsible for the entire premium for this coverage.

PERA also provides a long-term disability program to eligible employees enrolled in the PERA DB retirement plan, as it is part of the survivor and disability benefits associated with that DB program

## **4. Salary Reduction (125) Plan (Pre-tax Deductions & FSAs)**

**a. Pre-Tax Premiums** – This voluntary program allows you to pay the premiums for medical and dental benefits with pre-tax dollars. Under Section 125 of the Internal Revenue Code, you may annually elect to reduce your taxable salary by the amount you pay towards medical and dental premiums. Participation in

the salary reduction plan can result in you paying less federal, state and Medicare taxes, as well as reducing your contributions to your retirement plan.

Because of the tax savings you receive, the federal government places certain restrictions on what you can and cannot do under this plan. This is an irrevocable choice, meaning changing your decision to have your premiums deducted pre-tax, as well as canceling or changing the benefits associated with these deductions, is not allowed until the next open enrollment period unless you experience a qualifying event as defined in federal law [Treasury Regulation 1.125-4(b-f)].

**b. Flexible Spending Accounts (FSAs)** – Flexible spending accounts allow you to pay for certain health care and dependent day care expenses on a pre-tax basis. You make an annual election of an amount to contribute through a salary reduction agreement. This amount is then deducted over the course of the plan year, divided on per pay period basis, and deposited into your account. These funds are not subject to federal, state or Medicare taxes, or PERA deductions. However, you may not deduct any expenses on your tax return that were reimbursed with pre-tax funds from a flexible spending account.

**The state offers two different types of flexible spending accounts:**

- Health Care Flexible Spending Accounts can reimburse you for a number of qualifying health care expenses for you, your spouse and your eligible dependents, not covered by insurance such as deductibles, co-insurance, co-payments, orthodontia, etc. The maximum *annual* contribution is \$6,000 and the minimum *annual* contribution is \$120.
- Dependent Day Care Flexible Spending Accounts can reimburse you for eligible day care expenses. The maximum *annual* contribution is \$5,000 and the minimum *annual* contribution is \$120.

## **5. The Consolidated Omnibus Reconciliation Act (COBRA)**

COBRA is federal law that requires virtually all employers who sponsor group health plans to permit covered individuals who lose coverage as a result of certain qualified events to elect to continue their group coverage under the plan on a self-pay basis.

The Initial Notice of COBRA Rights is provided via first class mail to all qualified beneficiaries within 90 days of the effective date of coverage when enrolled in medical, dental or FSA (flexible spending account) coverage.

A COBRA Election Notice is mailed to each qualified beneficiary within 14 days of the occurrence of a qualifying event that results in a loss of coverage.

For more about your COBRA rights please review the summary plan description for your plan(s) or visit [Employee Benefits](#).

## **D. Retirement**

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### **1. Retirement**

State employees do not contribute to Social Security; therefore, new hires (except judges and those in four-year institutions of higher education) must choose one of two retirement plans. This mandatory decision is an important one-time choice so employees should consider the options carefully and choose the retirement plan that best suits their needs. The choices are:

- Colorado PERA Defined Benefit Plan (PERA DB Plan); or,
- Colorado PERA 401(a) Defined Contribution Plan (PERA DC Plan).

If a plan is not elected within 60 calendar days from the date of hire, the choice defaults to the PERA DB Plan. New employees in other higher education institutions hired into the state personnel system do not have a choice and are enrolled in the PERA DB Plan. Retired PERA members who want to return to work for the state in any capacity should contact PERA.

A percent of your total salary is deducted and transferred to the proper retirement plan where it is credited to your individual member account. Additionally, the state contributes a percentage of the payroll to the retirement plans. The employee and employer contribution rates are the same regardless of which retirement plan you choose. Please note that contribution rates for state troopers and CBI agents differ from other state employees. Questions about membership benefits should be directed to your retirement plan.

Please visit the Public Employee's Retirement Association (PERA) Web site at [www.copera.org](http://www.copera.org) and view the "PERAChoice Brochure" for more information regarding your two retirement choices. PERA is located at 1301 Pennsylvania Street, Denver, Colorado 80203. If you have more questions, contact PERA's Customer Service Center at 303-832-9550 or 1-800-759-7372..

## **2. Voluntary Supplemental Retirement Plans**

Most people know that it is a good idea to supplement retirement benefits for a financially secure retirement. One way to do this is by participating in one or more of the voluntary plans offered to state employees. These plans enable employees to reduce their current income taxes by deferring income as they save for retirement. Two plans are offered:

- Colorado PERA 457 Plan
- Colorado PERA 401(k) Plan

Please visit the PERA Web site, [www.copera.org](http://www.copera.org), for more information on these voluntary plans. If employed by higher education, employees may also be eligible to participate in a 403(b) Plan.

## **E. Other Benefits**

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### **1. Workers' Compensation**

Employees are automatically insured under the Workers' Compensation Act for injuries sustained in the course of employment. It is the employee's responsibility to report any accident on the job to a supervisor in order to receive workers' compensation. If an employee is injured seriously enough to cause missed work because of the injury, lost time, medical and rehabilitation expenses may be paid for by this insurance.

It is extremely important that employees report all accidents in a timely manner. In all cases of on-the-job injuries, employees must notify employers in writing of the specific job injury within four days of the injury. Also, if the employee contributes to the cause of the injury or illness, or if it is determined that the injury was due to willful misconduct or negligence on her/his part, employee benefits may be reduced or denied. Employees must seek medical assistance at the health care provider assigned for their department. With a few exceptions, visits to a non-designated health provider will not be paid by workers' compensation.

### **2. Unemployment Insurance**

If employees are separated from their jobs under certain conditions, they may be eligible for unemployment insurance benefits. The amount an employee receives will be based upon earnings and the terms and conditions of separation.

The Department of Labor and Employment (DOLE) administers this program. For information to file a claim for benefits, call 1-888-550-2800 or 303-813-2800 (Denver metro area).

### **3. Medicare Coverage**

All state employees hired on or after April 1, 1986, are covered under Medicare, including former employees who return. Temporary employees are included unless the basis for employment is a fire, storm, snow, earthquake, flood, or similar emergency. The required percentage of the employee's gross wages is deducted from pay.

### **4. Training**

Job-related and career enhancement courses may be provided to state employees at no cost or at a reduced

cost as authorized by each department. Requests for training must be approved by the employee's appointing authority.

#### **5. State-Owned Housing**

A department may provide housing for a state employee where state-owned facilities are available and it is in the best interest of the state. The department determines the rental cost. The employee and department execute a rental agreement. Rent, and, in some cases, utility costs, are paid through payroll deduction.

#### **6. Uniforms**

Required uniforms and their maintenance may be provided to employees at no charge, at a reduced charge, or through a uniform allowance.

### **F. Reimbursable Expenses**

#### **1. Travel Expense Reimbursement**

Employees are entitled to reimbursement for travel expenses incurred in carrying out responsibilities that are for the benefit of the state. Personal or political expenses or those that are not directly related to official functions or programs of a state department are not reimbursable.

Employees must use the most economical available transportation that will satisfactorily accomplish the state's business. Employees may use their own vehicle and receive a mileage reimbursement, or use a state vehicle. When travel extends beyond one calendar day, employees may claim the actual cost of reasonable accommodations, plus the state allowance for meals that would normally be eaten. If travel is completed in a single day, lunch will not be reimbursed. Under certain circumstances, an appointing authority may approve a meal allowance for breakfast and/or dinner.

Employees should obtain all needed prior approvals and complete all required forms that pertain to state travel. Reimbursable amounts and allowances are reviewed and changed periodically and are contained in the state fiscal rules.

#### **2. Moving Expenses**

Employees may be entitled to reimbursement for moving or relocation expenses related to their duties, including acceptance of a position outside 50 miles as part of the layoff process. The appointing authority approves moving expenses when in the best interests of the state. Limits are specified in state law and fiscal rules.

### **G. Colorado Employee Assistance Program**

The state has a free and confidential [EAP program](#) for state employees and supervisors that offers short-term assistance in handling personal problems that impact job performance or the work environment. Workshops are also available.

Employees can schedule a confidential meeting to assess the problem, arrange for a referral to an appropriate community resource or insurance benefit provider, or EAP personnel may work directly with the employee on a short-term basis. Confidential follow-up is done to ensure satisfactory resolution of the employee's problem.

### **H. Work-Life Programs**

Given the profound changes in demographics and the work place, programs addressing the work experience are a key component of total compensation. Providing a supportive and flexible work environment that helps balance personal and work responsibilities has an impact on productivity and customer service. A broad spectrum of statewide programs is available to employees and supervisors.

By executive order, the performance evaluation of supervisors and managers is to include a factor on the application of basic business skills and sound judgment using work-life policies and programs.

Orientation information, worksheets, and checklists have been published for [flexible work arrangements \(Job sharing, Flextime, and Flexplace\)](#). Various [resources and referral](#) information, tips and manager awareness

tools, along with discounts on childcare and other [valuable discounts](#) have been established for employees.

### **III. Dispute Resolution**

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Disputes may arise whenever people work together. Many conflicts arise out of differences of understanding, whether between supervisors and employees, or among peers. Most disputes can and should be resolved informally in the immediate work area as quickly as possible. The state personnel system offers a number of dispute resolution processes. The appropriate process depends on the specific situation. One of the most effective means of dealing with a conflict that cannot be resolved informally is through an outside neutral mediator (see “Useful Telephone Numbers” in this Handbook). If an employee cannot resolve his/her issue informally, he/she should contact his/her department HR office immediately, as most dispute resolution processes have deadlines and specific requirements for filing a complaint.

Employees can have a representative of their choice in meetings involving most types of disputes. Employees may confer with their representative during work hours with the prior consent of their supervisor, but such meetings are to be scheduled so there is minimal disruption to the work and general operations.

#### **A. Grievances**

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A grievance is an avenue to address problems that do not give rise to specific appeal rights (see information below for specific appeal rights). For example, individuals might grieve corrective actions, employee-supervisor relationships, shift and job location assignments, hours worked, or working facilities and conditions.

A grievance involves a step-by-step process in which the employee describes the grievance so it may be reviewed at various levels in the organization. The process begins by notifying the supervisor or second-level supervisor within 10 days of the specific occurrence, as provided in a state department’s grievance procedure. There are time limits and may be forms within each specific department. If an employee’s grievance reaches the point where a petition may be filed with the Personnel Board, please read the [information and forms](#) to proceed. If the grievance alleges illegal discrimination, including sexual harassment, the employee must send a notice to the Personnel Board within 10 days of the alleged discrimination.

The grievance process can sometimes be legalistic and even adversarial. Please keep in mind that mediation is also available.

#### **B. Appeals**

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State employees who are dissatisfied with certain adverse actions affecting them have an opportunity to seek a review of those actions. Any employee considering filing an appeal or petition for a hearing should review the rules carefully. See your department HR office or [www.colorado.gov/dpa/dhr/pubs/dispute\\_forms.htm](http://www.colorado.gov/dpa/dhr/pubs/dispute_forms.htm) for filing details and forms.

##### **1. Downward Position Allocation and Examination Actions**

Employees who are dissatisfied with a downward position allocation and certain examination actions may appeal directly to the personnel director. Such appeals must be filed in writing to the proper address by the 10-day deadline specified in personnel director’s rules. It is recommended that employees first contact the human resources office within the department to see if an appeal can be resolved informally; however, that does not extend the 10-day limit for filing an appeal. Appeal forms are available at your department HR office or [www.colorado.gov/dpa/dhr/pubs/dispute\\_forms.htm](http://www.colorado.gov/dpa/dhr/pubs/dispute_forms.htm). The personnel director will review the appeal, but may use advisors in reaching a decision.

If discrimination is also alleged, the appeal must also be filed with the Personnel Board within 10 calendar days of the action.

##### **2. Pay, Status, or Tenure**

An employee whose current base pay, status, or tenure is adversely affected by any action, with some



exceptions, can appeal to the Personnel Board and has the right to a hearing. Probationary employees have the same appeal rights as certified employees except the right to appeal a disciplinary action based on unsatisfactory performance.

Such appeals must be filed in writing with the Personnel Board within 10 calendar days after the employee receives written notice of the action being appealed. See your HR office for forms and filing details.

### **3. “Whistleblower” Law**

Employees may appeal actions under the state employee protection law, the “Whistleblower Act.” This law protects employees from retaliation for disclosing certain information as set by law. Employees who wish to know more about how such appeals are handled should contact the [Personnel Board](#).

### **4. Discrimination**

Employees may file allegations of discrimination with the Personnel Board or the Federal Equal Employment Opportunity Commission (EEOC). The Personnel Board will refer the matter to the Colorado Civil Rights Division for an investigation. If an investigation results in an opinion of “probable cause,” conciliation will be attempted. If that fails, or if the employee protests a “no probable cause” opinion, the employee may appeal to the Personnel Board, which will determine whether a hearing is to be held.

### **5. Discretionary Hearings**

The Personnel Board has the discretion to grant hearings in certain areas that do not adversely affect pay, status, or tenure. All petitions for discretionary hearings have filing requirements. In most cases, appellants have 10 calendar days from receipt of written notice of the action being appealed to file a formal appeal or petition for hearing with the Personnel Board.

## **C. Director’s Review Process**

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Employees may request a review of matters not covered by other dispute processes such as FMLA, FLSA, removal of a name from an eligible list, or rejection of an application. Written decisions issued by the personnel director regarding overtime-related and FMLA issues are considered to be the final administrative decision by the state. See your HR office for forms and filing details and submit within 10 days of knowledge of the action taken. Forms are also available at [www.colorado.gov/dpa/dhr/pubs/dispute\\_forms.htm](http://www.colorado.gov/dpa/dhr/pubs/dispute_forms.htm)

## **D. Performance Management Dispute Resolution**

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The performance management dispute resolution process is an open, impartial process that is not a grievance or appeal. Each department and higher education institution is required to have a documented internal performance management dispute resolution process, which is found in the published individual department or higher education institution Performance Program.

## **E. Alternative Dispute Resolution**

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### **1. Ombuds Program**

The Ombuds Office was established in May 2007 to provide an alternate communications channel and conflict resolution resource where any state classified employee may obtain assistance in surfacing and resolving state work-related issues. The Ombuds informs employees and management about relevant policies, procedures, and rights and encourages people to report wrongdoing, helps them learn about and gain access to their rights and assists them in finding safe ways to come forward.

### **2. State Employees Mediation Program (SEMP)**

The state has a mediation program that is a facilitated problem-solving approach to resolving disputes. It is less adversarial than either the [grievance](#) or appeal process. It is a free and confidential service available to all employees in the state personnel system. It can be requested to resolve differences before they reach the grievance stage or after a grievance has been filed.

A key fact to remember is that if you want to mediate a dispute and yet retain the right to grieve, you must also start the formal grievance process within the 10-day time limit. If the formal grievance process described earlier in this section has already been started, either party may request mediation. Deadlines required by the grievance process are suspended while mediation is occurring.

### **3. Settlement**

Parties are encouraged to resolve their appeals before the Personnel Board, prior to a hearing through the settlement program.

### **4. Arbitration**

Arbitration is a dispute resolution alternative available for cases before the Personnel Board, where rapid closure is most desired. By mutual agreement, both parties may divert their case to arbitration under the Uniform Arbitration Act.

## **IV. Additional Programs**

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### **A. Risk Management**

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The [risk management program](#) protects state employees against liability in the operation of state vehicles and in cases of general liability exposure (potential loss to the state not related to an incident with an automobile). The self-insured liability program will defend state employees while in the course of their employment, unless they are guilty of willful or wanton misconduct. The state's program may not apply to certain institutions of higher education.

If you are involved in an accident while driving a state vehicle, notify your supervisor immediately. You are responsible for filing any forms required by law enforcement agencies, but any further contact with the other party or parties involved should be referred to Risk Management at 303-866-3848.

If you are driving your personal vehicle on state business and are involved in an accident, your personal insurance policy on this automobile is the primary insurer. The state self-insured liability program may provide coverage in excess of the employee's personal insurance policy liability limits. Physical damage (collision) coverage on personal vehicles is solely an employee responsibility.

Risk Management also administers the state's [property insurance program](#) but provides no coverage for employee-owned property. A 1989 executive order created a safety committee in each department to establish safety policies and procedures that fit each department's needs. It is the employee's responsibility to become familiar with the policies and procedures for their work site and department and to report areas for potential improvement to the safety committee. Each employee is responsible for securing the safety of items of value.

### **B. Department ADA Coordinators**

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The Americans with Disabilities Act as amended (ADAAA) requires that services, programs, and activities of state agencies be accessible to persons with disabilities. It prohibits discrimination against such persons in all aspects of the employment process. The ADA also requires employers to provide reasonable accommodations to the known limitations of otherwise qualified applicants and employees with disabilities.

Each department has designated an ADA coordinator who investigates complaints and is the main contact for resources on accessibility and accommodation.

### **C. Credit Union of Colorado**

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By joining Credit Union of Colorado you gain access to low interest rates on loans, higher interest yields on deposit accounts and much more. You are automatically eligible for membership if you or a member of your family falls within the guidelines below:

- State employees.
- Retired state employees.
- Part-time and temporary state employees.
- Employees, elected officials, appointees and retirees of any Colorado county, municipality, special district or school district.
- PERA employees.
- Faculty, employees, students and alumni of Colorado School of Mines.
- Faculty, employees, students, and alumni of Colorado Community Colleges, local district colleges, or area vocational schools.
- Students of Mesa State College.
- Miscellaneous [affiliated groups](#).
- Family members related by blood, marriage or adoption of the groups listed above.
- A permanent member of a household of the groups listed above, who lives at the same residence and participates in the maintenance of the household, including family members, domestic partners, foster children, and legal guardian relationships. Fraternities, sororities, and nursing homes are excluded from this definition.
- Membership may include any small group or association that has a common bond or association, provided the group has been accepted by Board action and received regulatory approval.

To become a member, fill out an [application](#), or for more eligibility information call us at (303) 832-4816 or (800) 444-4816.

Credit Union of Colorado offices are located in Arvada, Aurora, Bear Valley, Canon City, Central Denver, Colorado Springs, Fort Collins, Golden, Grand Junction, Greeley, Lakewood, Pueblo, and Southeast Denver. Credit union services are also available online at [www.cuofco.org](http://www.cuofco.org).

#### **D. Working Together Foundation**

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Working Together is a non-profit private organization established by state employees and exclusively for state employees. Working Together provides emergency assistance to current or retired state employees in times of crises. One-time grants of up to \$500 are provided to assist permanent employees, having at least six months of state service, with basic necessities such as food, clothing, housing, medical expenses.

In keeping with its motto, "State Employees Helping State Employees," the foundation is funded solely by state employees' contributions. The Colorado Combined Campaign is the primary method of contribution (#1300); however, donations can be made directly to Working Together. In addition, members of the Credit Union of Colorado may set up an electronic fund transfer directly from their account to Working Together.

For more information on tax-deductible contributions or how to apply for assistance, go to [www.state.co.us/dhr/wt](http://www.state.co.us/dhr/wt) or contact the foundation, by mail: 1373 Grant St., Denver, CO 80203. You can also leave a voice message at 303-831-8645.