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| <b>COLORADO DEPARTMENT OF TRANSPORTATION</b> |                  | <input type="checkbox"/> <b>POLICY DIRECTIVE</b><br><input checked="" type="checkbox"/> <b>PROCEDURAL DIRECTIVE</b> |
| Subject<br>CDOT General Leave Procedures     |                  | Number<br>1204.2  |
| Effective<br>10/07/2010                      | Supersedes<br>NA | Originating Office<br>Center for Human Resources Management   |

**PURPOSE**

The purpose of this procedural directive is to define CDOT’s leave procedures, establish and outline uniform guidelines for the administration of parental academic leave, and volunteer leave.

**AUTHORITY**

Personnel Board Rules and Personnel Director’s Administrative Procedures  
Parental Involvement in K-12 Education Act  
Fair Labor Standards Act  
Colorado Department of Transportation Executive Director

**APPLICABILITY**

This directive applies to all Divisions and Offices of the Colorado Department of Transportation.

**DEFINITIONS**

**Permanent full-time employees:** Employees whose positions are funded to work 40 hours per week. Full time employees earn leave accruals based on the chart displayed in Chapter 5 of the State Personnel Board Rules and Administrative Procedures. Leave accruals are prorated based on unpaid leave during the month.

**Permanent part-time employees:** Employees whose positions are funded at less than 40 hours per week. Part-time employees earn pro-rated amounts of leave based on the number of hours they work in a month. Leave accrual rates are documented on the chart displayed in Chapter 5 of the State Personnel Board Rules and Administrative Procedures.

**Winter permanent part-time employees:** Employees whose positions are funded to work 40 hours per week for 6 months or less during a fiscal year. Winter part-time employees earn full leave accruals during the months they work and no accruals during the months they do not work. Leave accrual rates are documented on the chart displayed in Chapter 5 of the State Personnel Board Rules and Administrative Procedures.

**Temporary employees:** Temporary applies to a qualified person who is appointed to a non-permanent position. Temporary employees do not earn leave unless mandated by law. Temporary employees can use jury leave and administrative leave when appropriate.

**Supervisors:** Employees who are responsible for the management of time and leave through the SAP timesheet of at least three permanent full time equivalent positions.

**Appointing Authorities:** The CDOT Executive Director is the appointing authority for all Executive Management Team (EMT) members. The EMT consists of the Regional Transportation Directors (RTDs), Division Directors, and Office Directors. RTDs, Division Directors, and Office Directors are appointing authorities for all employees in their respective units.

## **PROCEDURE**

The Colorado Department of Transportation shall follow and implement the rules and directives as outlined in Chapter 5, Time Off of Personnel Board Rules and Personnel Director's Administrative Procedures. The Department of Personnel and Administrations technical guidance and the following procedure assists the Department in the administration of fair and consistent leave practices.

Fair Labor Standards Act and Personnel Board Rules and Personnel Director's Administrative Procedures require that certain basic time and leave records be maintained for both exempt and non-exempt employees. As such, all CDOT employees are required to use the SAP timesheet to record their leave hours. All employees shall ensure that all leave hours are recorded in the SAP system with the appropriate coding strings. Absences should not be charged to projects or work orders. The electronic records maintained in SAP are the official legal time and leave records for CDOT.

**Employee Responsibility:** Employees are responsible for accurately reporting their individual time and leave in SAP. Requests for annual leave should be entered into SAP as far in advance as possible. Supervisors should inform employees of their time requirement for requesting annual leave. Sick leave should also be requested and entered into SAP in advance when possible. Compensatory time and alternate holiday usage should be discussed and used within the same fiscal year that they were earned. If leave was approved but not taken, SAP timesheet coding should be amended and approved before payroll deadline.

**Supervisor Responsibility:** Supervisors are responsible for approving or denying leave requests via the SAP timesheet in a timely manner. Supervisors are responsible for approving the following leave types; annual, sick, bereavement, paid military, jury, alternate holiday, and parental academic leave. The action of approving or denying a leave entry in SAP does not eliminate the requirement to discuss the leave request with the employee. Supervisors are responsible for documenting and communicating the business reasons why a leave request was denied.

**Appointing Authority Responsibility:** Appointing Authorities are responsible for approving administrative leave and unpaid leave requests in SAP by the payroll deadline. If Appointing Authorities chooses to delegate the authority to approve administrative or unpaid leave to others, a written delegation memo must be submitted to the Center for Human Resources Management. In addition, Appointing Authorities may designate periods of time when annual leave may not be granted based on operational needs or business necessity. These periods of time must be communicated yearly in writing to the affected organizations and employees.

## **Leave Accruals**

Permanent employees begin earning annual and sick leave from the first day of their employment. Annual and sick leave are credited on the last working day of the month and available for use the 1<sup>st</sup> of the following month. An employee may not "borrow" against future leave or "buy back" leave that has already been used. Leave accruals are prorated according to Chapter 5 – Time Off, State Personnel Board Rules and Administrative Procedures.

Employees cannot be subject to corrective action, when an employee fails to maintain certain leave balances. Mandates to maintain a minimum balance of sick or annual leave or a combination of both are not permitted, unless the terms of a corrective or disciplinary action dictate.

## **Leave Types**

### **1. Annual leave**

Annual leave is used for personal needs including vacation. In some cases involving other types of leave (e.g. exhaustion of sick leave, family medical leave or short-term disability waiting period), an employee may be required to use annual leave in accordance to State Personnel Board Rules and Administrative Procedures. If the department cancels approved leave that results in forfeiture, the forfeited hours must be paid before the end

of the fiscal year. Upon termination of employment or upon retirement direct payment is made in the equivalent amount of the employee's earned unused annual leave up to the maximum listed in Administrative Procedures.

## **2. Sick leave**

Sick leave is used for health reasons only, including diagnostic and preventative examination, treatment and recovery. Sick leave can also be used for the health needs of the employee's child who is under the age of 18 or an adult child who is disabled, parent, spouse injured military service member or veteran as established under rule 5-24, legal dependent, or a person in the employee's household for whom the employee is the primary care giver. Appointing Authorities may send employees home and charge sick leave if an employee comes to work with an illness or injury that either impacts the employee's ability to perform the job or the safety of others. Upon death or retirement, direct payment of ¼ of the employees earned unused sick leave is paid out up to the employee's maximum accrual rate.

Employees must provide a State of Colorado Medical Certificate form for an absence of more than three consecutive full working days for any health reason. Appointing Authorities have the discretion to require certificates for absences of less than three days to determine if FML applies or when the Appointing Authority has a reasonable basis for suspecting abuse.

## **3. Leave sharing**

Leave sharing allows for the transfer of annual leave between eligible permanent state employees for unforeseeable life-altering events beyond the employee's control. Procedures for leave sharing are outline in CDOT's Leave Sharing Procedures 1204.1.

## **4. Holiday leave**

The State of Colorado grants full time employees eight hours of leave on each of the 10 paid holidays per fiscal year (prorated for part-time employees and unpaid leave). The holiday calendar is posted yearly by the State Department of Personnel. Employees must be on the payroll when the holiday occurs to be granted up to 8 hours of holiday pay. SAP automatically calculates and records holiday time for full-time and part-time employees based on the number of hours worked during the month. Employees who are required to work on a designated holiday or whose regularly scheduled day off falls on the holiday are required to take and record on the timesheet their alternate holiday after the holiday has passed and before the end of the fiscal year.

## **5. Bereavement leave**

Bereavement leave provides up to 40 hours of paid leave to permanent employees at the time of death of a family member or other person. Employees are responsible for requesting the amount of leave needed. The appointing authority authenticates the relationship and grants the leave requested.

## **6. Military leave**

Military leave provides up to 15 (120 hours) paid workdays in a fiscal year to permanent employees who are members of the National Guard, military reserves, or National Disaster Medical Service to attend the annual encampment or equivalent training or who are called to active service, including declared emergencies. Military leave request must be accompanied by official military orders. Military orders should be faxed to Center for Human Resources Management so that authorization can be established for the SAP timesheet. Specific procedures related to the different military leave types can be found on the Center for Human Resources internal website.

## **7. Jury leave**

Jury leave is granted as leave with pay to permanent employees who are summoned and/or required to serve on jury duty. Employees must provide their supervisor with a copy of the summons and/or jury service notice. Full time employees are granted eight hours per day of jury leave for the duration of service. Full time employees who work a flex schedule should have their schedules changed to Monday through Friday 8 hour days for the weeks of jury duty. Temporary employees are entitled to a maximum of three days of jury leave

when summoned and/or required to serve. Employees, who receive jury pay, are not required to turn it over to the Department.

### 8. Administrative leave

Administrative leave may be granted as paid time when the appointing authority wishes to release employees from their official duties for the good of the state. This type of leave is based on individual circumstances that cannot be predefined in a procedural directive. Chapter 5 – Time Off lists several circumstances in which administrative leave must be granted including up to fifteen days in a fiscal year for a member of the Civil Air Patrol directed to serve during an emergency. The Center of Human Resources is required to report instances of administrative leave that exceed 20 consecutive working days to the CDOT Executive Director and DPA's Director.

### 9. Unpaid leave

Unpaid leave is generally granted after other applicable paid leaves are exhausted. Unpaid leave is granted at the discretion of the Appointing Authority. Unpaid leave provides job protection when the reason for the leave of absence is to take short-term disability leave, voluntary furlough, victim protection leave, volunteer firefighter leave, Family Medical Leave, Make Whole. The duration of the job protection for these types of unpaid leave is described in Personnel Board Rules and Administrative Procedures, Chapter 5 – Time Off.

Any timesheets with unpaid leave recorded must be completed and approved by the appropriate approver by the 15<sup>th</sup> of the month. If unpaid leave occurs after the 15<sup>th</sup> of the month, contact the payroll office via email, as soon as possible to avoid overpayment.

Unpaid leave which reduces your monthly gross salary below \$580/per month can affect your PERA service accrual for that month. The service credit may be prorated or reduced to zero for the month. Please refer to copera.org or call a Colorado PERA representative if you experience this situation with unpaid leave.

### 10. Parental Academic Leave for K - 12

Parental academic leave provides up to 18 hours (prorated for part-time) per academic year of job protection for parents or legal guardians to participate in academic-related activities. These activities are limited to parent-teacher conferences or meetings related to special education services, response to intervention, dropout prevention, attendance, truancy, and disciplinary issues.

Permanent employees are authorized to request annual leave, comp time, alternate holiday or unpaid leave to attend the academic activity. Paid administrative leave shall not be used to compensate for the activity. The leave request must be accompanied by documentation from the school or teacher that includes the nature of the meeting, date, time, and duration. In order to deny this leave request, the supervisor must document that the employee has exceeded the 18 hours in an academic year, or that the employee's absence would cause a safety hazard or halt the service or production of the work unit, or the requested leave does not meet the criteria for parental academic leave.

Academic leave is indicated on the SAP timesheet through the use of the code 1109 in the Receiving Functional Area (RecFuncAr) column. Parental Academic Leave timesheet coding examples:

#### Coding Academic Leave with Annual Leave:

| Data Entry Area |           |            |            |      |    |    |       |    |       |       |    |       |       |    |       |       |    |
|-----------------|-----------|------------|------------|------|----|----|-------|----|-------|-------|----|-------|-------|----|-------|-------|----|
| LT              | Rec. Cctr | Rec. Order | Rec.FuncAr | A/A  | Wa | MU | Total | SA | From  | To    | SU | From  | To    | MO | From  | To    | TU |
|                 |           |            |            |      |    | H  | 40    |    | 00:00 | 00:00 |    | 00:00 | 00:00 | 10 | 14:00 | 00:30 |    |
|                 |           |            |            |      |    | H  | 2     | 0  |       |       |    | 0     |       | 2  |       |       |    |
|                 | E0360-010 |            | 1130       | 011N |    | H  |       |    |       |       |    |       |       |    |       |       |    |
|                 | E0360-010 |            | 1109       | 130P |    | H  | 2     |    |       |       |    |       |       | 2  | 14:00 | 16:00 |    |

### Coding Academic Leave with Unpaid Leave:

| Data Entry Area |           |            |            |      |    |    |       |    |       |       |    |       |       |    |       |       |    |
|-----------------|-----------|------------|------------|------|----|----|-------|----|-------|-------|----|-------|-------|----|-------|-------|----|
| LT              | Rec. CCtr | Rec. Order | Rec.FuncAr | A/A  | Wa | MU | Total | SA | From  | To    | SU | From  | To    | MO | From  | To    | TU |
|                 |           |            |            |      |    | H  | 40    |    | 00:00 | 00:00 |    | 00:00 | 00:00 |    | 07:00 | 16:30 |    |
|                 |           |            |            |      |    | H  | 5     |    | 0     |       |    | 0     |       |    | 2     |       |    |
|                 | E0360-010 |            | 1130       | 011N |    | H  |       |    |       |       |    |       |       |    |       |       |    |
|                 | E0360-010 |            | 1109       | 220U |    | H  | 5     |    |       |       |    |       |       |    | 07:00 | 09:00 |    |

### Coding Academic Leave with Alternate Holiday:

| Data Entry Area |           |            |            |      |    |    |       |    |       |       |    |       |       |    |       |       |    |
|-----------------|-----------|------------|------------|------|----|----|-------|----|-------|-------|----|-------|-------|----|-------|-------|----|
| LT              | Rec. CCtr | Rec. Order | Rec.FuncAr | A/A  | Wa | MU | Total | SA | From  | To    | SU | From  | To    | MO | From  | To    | TU |
|                 |           |            |            |      |    | H  | 40    |    | 00:00 | 00:00 |    | 00:00 | 00:00 |    | 07:00 | 17:30 |    |
|                 |           |            |            |      |    | H  | 2     |    | 0     |       |    | 0     |       |    | 2     |       |    |
|                 | E0360-010 |            | 1130       | 011N |    | H  |       |    |       |       |    |       |       |    |       |       |    |
|                 | E0360-010 |            | 1109       | 141P |    | H  | 2     |    |       |       |    |       |       |    | 15:30 | 17:30 |    |

#### 11. Volunteer Leave

Volunteer leave provides up to 18 hours (prorated for part-time) per fiscal year of job protection for employees to volunteer in community activities. Permanent employees are authorized to request annual leave, comp time, alternate holiday or unpaid leave to attend community volunteer activities. Paid administrative leave shall not be used to compensate for the activity. The leave request must be accompanied by documentation from the community organization that includes the nature of the event, date, time, and duration. In order to deny this leave request, the supervisor must document that the employee has used more than 18 hours in a fiscal year or that the employee's absence would cause a safety hazard or halt the service or production of the work unit. Volunteer leave is indicated on the SAP timesheet through the use of the code 1108 in the Receiving Functional Area (RecFuncAr) column.

#### 12. Family Medical Leave

Family Medical leave provides up to 520 hours (prorated for part-time) per fiscal year of unpaid job projection for certain qualifying events. The administration of the Family Medical Leave Act is dictated by Federal Law. State Personnel Board Rules 5-23 through 5-37 outline the principal FMLA rights and responsibilities for state employees. Department of Personnel and Administration also provides a separate technical guidance and FAQ detailing the FMLA. Information can be found on the Center for Human Resources Management website or by contacting the Employee Relations/Legal Section.

#### 13. Injury Leave

Employees who are injured or suffer an illness on the job which is compensable may be covered under the Workers' Compensation Act. Information can be found on the Center for Human Resources Management website or by contacting Risk Management.

### Exhaustion of Leave and Administrative Discharge

An Appointing Authority has the discretion to administratively discharge an employee when he or she exhausts all credited paid leave and is unable to return to work, unpaid leave may be granted or the employee may be administratively discharged by written notice following a good faith effort to communicate with the employee. Administrative discharge applies only to exhaustion of leave. An employee cannot be discharged during FML, short-term disability leave, or if the employee is a qualified individual with a disability under ADAAA who can reasonably be accommodated without undue hardship. The Appointing Authority or delegate shall work closely with the Employee Relations/Legal Section to implementation of this discharge process.

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| Subject<br>CDOT General Leave Procedures | Number<br><b>1204.2</b> |
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**IMPLEMENTATION**

This procedural directive shall be implemented upon approval.

**REVIEW DATE**

This procedural directive shall be reviewed in August, 2017.



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Executive Director

**10/07/2010**

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Date of Approval