

Time Off Policies

Revised December 2024



The Colorado Department of Education (CDE) values the benefits time off provides to employees. CDE also values transparency and the importance of working under a standard set of work rules that support consistency across our organization.

This guide intends to provide employees with a consolidated source of information to help them understand and utilize all the available leave benefits.

The information contained in this guide describes time off benefits and rules associated with those benefits. We recognize there are differences in leave benefits for our non-classified (at-will) and classified staff, so this guide will cover the following:

- **ALL Employees (non-classified and classified):** This guide will provide information on leave eligibility, expectations for requesting leave, usage of leave, and tracking of leave that applies to all employees (classified and non-classified). This guide will denote any areas that pertain to only one classification or the other.
- **Classified Employees:** The State Personnel System governs time off for classified staff. We have included links to the State's website and other helpful information regarding leave benefits available to classified staff. This does provide basic information regarding annual and sick leave accruals. We encourage our classified staff to utilize the links provided in this guide for a complete and comprehensive view of classified time off.
- **Non-classified Employees (At-will):** This guide will provide a comprehensive description of the leave benefits, including eligibility, leave types, accruals, requests, etc., for CDE's non-classified staff.

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Eligibility for Paid Time Off Benefits

Eligible employees will begin earning paid time off based upon their hire date OR adjusted service date if transferring from another state agency without a break in service. This eligibility criterion applies to all staff, both classified and non-classified.

The employee categories defined below are eligible for paid time off benefits:

- ✓ Regular, Full-time – Employees scheduled to work 40 hours per week (2080 hours per year).
- ✓ Regular, Part-time (leave eligible) – Employees scheduled to work less than 40 hours per week but work a regular schedule each month that consists of hours equal to or more than 43% FTE over 12 months. Regular, part-time employees who work less than 43% *are not* eligible for paid time off benefits.

Employees must be working or on paid leave to earn monthly accruals (sick and annual). Employees who work or are on paid leave for an entire month will receive their full monthly annual and sick leave accruals. Both annual and sick leave accruals are prorated to adjust for any time off without pay during the month.

Years of service are computed from the first calendar day of the month following the hire date, except if the employee began work on the first working day of a month, include that month in the count. Employees with prior permanent state service, in or out of the state personnel system, earn leave based on the total **whole months** of service, excluding temporary assignments.

Sick and annual leave is credited on the last day of each month and available for use on the first day of the following month.

Paid Time Off Accruals for Classified Employees

Paid leave benefits for classified staff are governed by the State Personnel System (SPS) and managed by the Department of Personnel and Administration (DPA) and the Division of Human Resources (DHR). CDE does not have governance over classified time off benefits.

Classified Annual Leave Accrual Rates (Effective July 1, 2022)		
Years of Service	Hours Per Month	Max Accrual per Fiscal Year
Years 1-3 (1-36 months)	8	192
Years 4-5 (37-60 months)	9	216
Years 6-10 (61-120 months)	11	264
Years 11-15 (121-180 months)	13	312
Year 16 or greater (181 months +)	16	384
Classified Sick Leave Accrual Rate		
Monthly Rate	6.66	360

Short-Term Disability (STD) Leave

This leave applies to **classified staff** only.

Classified employees with at least one year of state service may be eligible for short-term disability leave while state or PERA STD benefits payments are being made. This leave is job-protected and unpaid after STD benefits have been exhausted. The employee must apply for STD benefits within 30 days of the beginning of the absence. The employee must also notify CDE when the STD benefit application has been submitted.

Eligibility for STD leave should not be confused with the qualification to receive STD benefits payments. A classified employee who does not have at least one year of state service may still receive STD benefit payments; however, they would not be eligible for STD leave. STD leave runs concurrently with other types of leave, such as FMLA and FAMILI.

The maximum amount of STD leave is 180 days (including the waiting period) while either state or PERA STD payments are being made.

Time off benefits differ from non-classified staff, specifically regarding annual, sick, short-term disability leave, and injury (workers' compensation) leave. We have included links to the following resources at DHR that describe paid leave details provided to classified staff:

- **State of Colorado - Division of Human Resources (DHR) website:**
<https://www.colorado.gov/pacific/dhr/time-leave>
- **State of Colorado Classified Employee Handbook:**
<https://www.colorado.gov/pacific/dhr/EmployeeHandbook>

These links are also located on MyCDE under the Human Resources page.

Paid Time Off Accruals for Non-Classified Employees

Annual Leave

Non-classified regular employees earn annual leave. Annual leave can be used for any reason at the employee's discretion. Regular, full-time employees earn annual leave in the following increments:

Non-Classified Annual Leave Accrual Rates – Effective 4/2019				
Years of Service	Days Per Fiscal Year	Hours Per Fiscal Year	Hour Per Month	Max Accrual & Carryover
0–5 years (1 -71 months)	21	168	14	336
6 + years (72 + months)	24	192	16	336

PLEASE NOTE: Employees with higher accrual rates before April 1, 2019; please see Appendix A for your accrual rates and tiers.

All regular, part-time (leave eligible) employees shall earn prorated annual leave based on their regularly scheduled hours. Although earned leave is prorated, maximum accruals are not prorated for part-time staff.

On July 1 of each year, annual leave that exceeds the maximum is forfeited. However, an employee may have a leave balance higher than the maximum throughout the fiscal year. At the time of separation, employees shall be paid for unused annual leave earned through the last day of employment up to the maximum.

If CDE cancels or denies annual leave that was already approved, which later results in forfeiture, the forfeited hours shall be paid before the end of the fiscal year.

Sick Leave

Non-classified, regular, full-time shall earn sick leave in the following increments:

Sick Leave Accrual Rate (Per Fiscal Year)			
Days Per Year	Hours Per Year	Hours Per Month	Maximum Accrual
12	96	8	360

Regular, part-time (leave eligible) employees shall earn a prorated amount of sick leave based upon the number of regularly scheduled hours they work. Although the leave earned is prorated, maximum accruals are not for part-time staff.

Sick Leave Payout

Upon separation from CDE service, non-classified employees will receive a percentage of their accrued sick leave as follows:

Years of Service	Percentage of Payout
0 through 4 years of service	Sick leave is not eligible for payout.
5 years through 9 years of service	6.25 %
10 years through 14 years of service	12.5 %
15 years through 19 years of service	19 %
20 years of service OR eligible for retirement	25 %

Personal Leave

Non-classified, regular, full-time employees shall receive personal leave. Personal leave can be used for any reason.¹ Personal leave is granted annually on July 1. The amount of personal leave is based on the employee's completed years of service as of June 30. Personal leave must be used in the fiscal year it is received and cannot be carried over into the next fiscal year. Employees will forfeit unused personal leave at the end of the fiscal year.

Personal leave is granted once per year in the following increments:

Personal Leave – Effective April 1, 2019			
	Years of Service	Days Per Year	Hours Per Year
Tier 1	0-5 years (1-60 months)	1	8
Tier 2	6 + years (61+ months)	2	16

PLEASE NOTE: Employees with higher accrual rates before April 1, 2019, please see Appendix A for your accrual rates.

Regular, part-time (leave eligible) employees shall earn a prorated amount of personal leave based upon the number of regularly scheduled hours they work. Unused personal leave is not paid out at the time of separation.

Sick Leave for Temporary Employees

Temporary employees, by definition, are all non-classified. Temporary staff employed and paid directly by the agency shall be at work or on paid leave to earn paid sick leave. Leave is credited on the last day of the biweekly or monthly pay period in which it is earned and is available for use on the first day of the following biweekly or monthly pay period. Sick leave may be requested and used, subject to the policies outlined in this document.

Accrual Rate	*Max	Restoration	Payout
0.033/hour $30 \text{ hours} \times .033 = 1$ hour of sick leave <u>Example:</u> Full-time/Bi-weekly Accrual: $80 \text{ hours} \times .033 = 2.64$ hours of sick leave	48 Hours	Previously accrued sick leave up to 48 hours is restored when eligible for rehire as a temporary or hire as a regular employee.	N/A
* Up to 48 hours of paid leave may be accrued in the fiscal year. Leave is no longer accrued once the maximum is reached.			

Usage of Sick Leave

Sick leave is primarily for health reasons, including diagnostic and preventative examinations, treatment, and recovery. Accrued sick leave may be used for the health needs of the employee, the employee's child who is under the age of 18 or an adult child who is disabled, a parent, spouse, military service member, legal dependent, or a person in the household for whom the employee is the primary caregiver. Sick time can be used to spend time with family in critical care, hospice, or other serious health situations that would typically not qualify as "direct care" under FMLA.

Supervisors can send employees home and charge sick leave if they deem an employee to have an illness or injury that affects their ability to perform the job or poses a health and safety risk to others. If an employee exhausts their sick leave, annual and/or personal leave is used. If paid leave is not available, the leave will be unpaid.

Non-classified staff can use six (6) weeks of available sick leave for the initial six weeks of the FMLA adoption period. After six (6) weeks, the employee must use annual leave for the remainder of the FMLA adoption period. This is the only instance whereas a medical certification is not required for sick leave use that exceeds three (3) days and/or sporadic and recurring sick leave absences over a short period due to illness or injury. For example, if an employee calls out sick for 3-5 non-consecutive days over two weeks.

State Personnel Rules do not allow classified employees to use sick leave for adoption. For more details, please refer to the classified rules on FMLA and sick leave usage.

Sick Leave Reinstatement and Rollover

Upon hire, a former state employee's unused sick leave balance shall be restored if the employee is rehired within 90 days of the employee's separation date. Employees hired after June 30, 1988, may accrue up to 360 hours of sick leave. Employees who began work before July 1, 1988 (with no service break) may accrue more than 360 hours of sick leave. The maximum accrual for these employees is based upon the sick leave maximum they were provided with before July 1, 1988.

Sick leave that exceeds the employee's maximum as of June 30 each year will be converted to annual leave at a ratio of five sick leave hours to one hour of annual leave. The maximum number of hours allowed for the conversion to annual leave is 16 per fiscal year.

Sick Leave of Three (3) or More Days

CDE's Human Resources must be notified immediately if an employee is out due to an illness or injury they have suffered themselves or provision of care to a family member for more than three (3) consecutive days and/or sporadic and recurring sick leave absences over a short period due to illness or injury. For example, if an employee calls out sick for 3-5 non-consecutive days over two weeks.

Human Resources shall contact the employee to determine eligibility for FMLA, complete the applicable FMLA paperwork, and describe the employee's rights and responsibilities under FMLA.

Non-Medical Uses of Sick Leave (effective August 7, 2023)

Changes to the Healthy Families and Workplaces Act allow state employees, both classified and non-classified, to use accrued paid sick leave for non-medical reasons, as follows:

- Care for a family member whose school or place of care has been closed due to inclement weather, loss of power, loss of heating, loss of water, or any other unexpected occurrence or event that results in the closure of the family member's school or place of care;
- Grieve, attend funeral services or a memorial, or deal with financial and legal matters that arise after the death of a family member, or
- Evacuate the employee's residence due to inclement weather, loss of power, heating, water loss, or any other unexpected occurrence or event that results in the need to evacuate the employee's residence.

Family and Medical Leave Act (FMLA) and State Family Medical Leave (SFML)

The following information applies to both classified and non-classified employees.

Family and Medical Leave Act (FMLA) - Federal Law

- ✓ **FMLA 12 weeks (480 hours) of unpaid leave - This amount is prorated for part-time staff.**

The FMLA entitles eligible employees who work for covered employers to take unpaid, job-

protected leave in a defined 12-month period for specified family and medical reasons.

The baseline eligibility for FMLA (within Colorado State government) is 1,250 work hours, including overtime hours. The State is considered a single employer for purposes of calculating FMLA eligibility. For example, if an employee transfers directly to CDE from another CO state agency, the time worked at the other agency will be considered in the 1,250 hours of work eligibility requirement.

Under FMLA, eligible employees are federally entitled to up to 12 weeks of unpaid leave.

For more details, please see the State of Colorado Family and Medical Leave webpage at <https://www.colorado.gov/pacific/dhr/FMLA>.

State Family Medical Leave (SFML) - State Government Rule

- ✓ **SFML – 1 week (40 hours) of unpaid leave – This amount is prorated for part-time staff.**

The State's Family Medical Leave (SFML) policy grants employees an additional week (40 hours) of unpaid, job-protected leave beyond the time granted under FMLA.

In most cases, the baseline eligibility for SFML is the same as FMLA. State temporary employees have an added requirement, which is working one thousand two hundred fifty (1250) hours within the twelve (12) months before the date leave will begin.

Under SFML, eligible employees are entitled to 1 week (40 hours for full-time) of unpaid, job-protected leave in a defined 12-month period for specified family and medical reasons. These reasons align with the Family and Medical Leave Act (FMLA) specified family and medical reasons.

Both FMLA and SFMLA leave granted for:

- The birth of a child must be used within one year of the birth.
- Placement and care of an adopted or foster child must be completed within one year of the placement.
- Serious health condition of a parent, child, spouse, or self. Child for health-related FMLA is under sick leave (under 18 or over 18 if incapable of self-care due to a physical or mental disability at the time leave is to commence).
- Employee's own serious health condition.
- Active duty (military) family leave for a member of the Armed Forces (including the National Guard or Reserves) deployed to a foreign country.
- Military caregiver leave for a spouse, parent, or child, or next of kin who suffered a serious injury or illness in the line of duty while on active duty. Military caregiver leave also covered employees whose parent, child, spouse, or next of kin is a veteran undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including the National Guard or Reserves) at any time during the five (5) years preceding the date on which the veteran underwent service-related

medical treatment, recovery, or therapy.

Requesting FMLA/SFML

The employee must contact [CDE's Human Resources Unit](#) if leave for an illness or injury has (or will likely) result in the absence of more than three (3) consecutive days sporadic and/or recurring sick leave absences over a short period due to illness or injury. For example, if an employee calls out sick for 3-5 non- consecutive days over two weeks.

Human Resources will determine eligibility and respond to the employee directly with instructions to complete the applicable FMLA paperwork and provide notice of their rights and responsibilities under FMLA. If the employee cannot contact HR, the supervisor must notify HR of the absence.

Communication will occur directly between the HR Unit and the employee. HR will provide the supervisor with the required updates and information related to the leave request and the department's obligations under FMLA but will not disclose confidential or medical information.

Medical certifications are required to determine if leave can be granted under FMLA. An additional or revised medical certificate may be required every 30 days or within the period established in the original certificate if circumstances change or new information is received regarding the employee's condition. A healthcare provider must complete the form. The completed form should be returned within fifteen (15) days from the request; however, HR must be notified with an expected completion date if an extension is needed.

The amount of leave is determined by the difference of five hundred twenty (520) hours and any FMLA or SFML taken in the previous twelve (12) months and calculated from the date of the most recent leave. The amount of leave is prorated for part-time employees based on the regular appointment or schedule. Any extension of leave beyond the amount to which the employee is entitled is not FMLA/SFML and discretionary. Requests must be reviewed with the Supervisor and CDE's HR Director.

Failure to provide the certificate within a reasonable timeframe may result in denial of leave. If the employee cannot complete the request, HR will also try to obtain the information from contacts the employee has on record. If an incomplete medical certificate is submitted, the employee will be allowed seven (7) days to obtain and submit the information. Additional time may be provided should extenuating circumstances exist.

To preserve confidentiality, only the designated Human Resources staff may have direct contact with an employee's healthcare provider and only with the employee's permission. Such communication is limited to verifying the authenticity and clarifying the content of the medical certification.

Upon receipt of the medical certification, CDE has the right to request a second opinion on the original certificate. If the initial and second opinion conflict, CDE may require a third binding opinion by a mutually agreed upon health care provider. Under both circumstances, the department pays the cost. Second and third opinions are not permitted for FMLA recertification.

All forms of paid leave, such as PFML, sick leave, and annual leave, including make-whole payments under FAMLI and workers' compensation, run concurrently with FMLA/SFML and do not extend the FMLA/SFML leave period. The employee must use all accrued paid sick and annual paid leave before the leave is unpaid, the only exception is make-whole under FAMLI.

Paid Family Medical Leave (PFML)

The following information applies to both classified and non-classified leave-eligible employees.

Paid Family Medical Leave (PFML) provides regular, full-time employees up to one hundred sixty (160) hours of paid leave (prorated for leave-eligible part-time employees) per rolling twelve (12) month period to use during approved FMLA/SFML. PFML runs concurrently with FMLA/SFML. The exception is the qualifying reasons for victim protection leave.

Employees who work in the same department or division as their spouse, partners in a civil union, or domestic partnership are each entitled to PFML when eligible and qualify for FMLA/SFML.

PFML may be used when an employee or an employee's family member is a victim of domestic abuse, stalking, sexual assault, or any other crime related to domestic violence and needs to seek medical attention, mental health care, or other counseling or victim services, including legal services or relocation.

An employee must meet the eligibility requirements for FMLA/SFML to qualify for PFML for domestic violence-related reasons. However, using PFML for domestic violence-related reasons does not automatically qualify an employee for FMLA/SFML.

Under FMLA/SFML, PFML shall be used for the first 160 hours of the employee's absence. This time will be used before annual and sick leave except when an employee elects to use PFML to bond with their newborn child or for a newly placed adopted or foster child within twelve (12) months after the birth or placement as allowed under the Family Medical Leave Act (FMLA).

Eligible employees will be paid for their time during FMLA/SFML in the following order.

The following may vary based on the employee's approval and payment of FAMLI benefits, including make-whole:

- PFML
- FAMLI (If applied and approved)
- Sick leave
- STD (optional, not required)
- Annual leave
- Personal leave (non-classified staff)
- Leave without pay (LWOP)

Family and Medical Leave Insurance (FAMLI)

Colorado voters approved the paid Family and Medical Leave Insurance (FAMLI) program in 2020. FAMLI ensures Colorado workers have access to paid leave to take care of themselves or their families during life circumstances that pull them away from their jobs, so workers don't have to choose between earning a paycheck and taking care of their families. Both employers and employees contribute premiums to the program.

FAMLI benefits officially became available on January 1, 2024. Covered Colorado workers may receive up to twelve weeks of leave per year to:

- Bond with a new child, including adopted and fostered children.
- Care for themselves if they have a serious health condition.
- Care for a family member's serious health condition.
- Make arrangements for a family member's military deployment.
- Address the immediate safety needs and impact of domestic violence and/or sexual assault.
- Those who experience pregnancy or childbirth complications may receive an additional four weeks for a total of 16 weeks.

The Colorado Department of Labor and Employment (CDLE) administers and pays FAMLI benefits. Please see the [FAMLI Employee Toolkit](#) and the [FAMLI website](#) for more information.

Coordination of FMLA and FAMLI

Colorado's FAMLI program is designed to run concurrently with FMLA/SFML. The FAMLI Division does not manage or receive FMLA/SFML requests. So, if an employee applies for FAMLI the employee is responsible for applying for FAMLI benefits through the [FAMLI portal](#). The employee is also responsible for notifying CDE's HR Unit once they have applied for FAMLI.

Since FAMLI benefits are administered and paid by another State agency, it is very important the employee notify the HR Unit at hr@cde.state.co.us for actions related to FAMLI including applying, approval, hours submitted or pay received. This is critical for HR and Payroll to ensure we know the benefits related to FAMLI to ensure you are not over or under paid. CDE must coordinate all paid leave with payroll to ensure CDE pays the employee correctly.

Make-Whole

Since FAMLI benefits do not pay the employee 100% of lost wages, the concept of "make-whole" refers to the employee's ability to use their sick or annual leave to cover the balance of the wages not paid by FAMLI. The employee has the option to make-whole or not.

Employees on FAMLI are required to complete a Make-Whole Election Form, which is the official form that notifies CDE whether or not the employee wants to use their sick or annual leave to make-whole. This form is not available on MyCDE. The HR unit will provide the form to the employee once we are notified of their application for FAMLI. If the employee chooses not to be made-whole, they will only receive pay from FAMLI, not CDE. If make-whole is elected, the employee will receive pay from FAMLI, and the balance will be paid by CDE using the employee's sick or annual leave balance.

Short-Term Disability (STD) Benefits

All classified and non-classified benefits-eligible employees are eligible for Short-Term Disability (STD) benefits. STD benefits provide a percentage of an employee's weekly wage during an absence caused by an eligible and non-work-related illness or injury. Employees must use available sick, annual, personal paid leave, or FAMLI leave benefits during the 30-day waiting period for STD benefits. If paid leave is unavailable, the initial 30-day waiting period is unpaid. If applying for leave under the Family and Medical Leave Act, STD benefits would run concurrently with and not in addition to FMLA. Accrued paid leave may be used to make an employee's salary whole in the amount closest to the difference between the short-term disability benefits payment and the employee's gross base pay, excluding any pay differentials. Leave accruals are not prorated when an employee is made whole.

Return to Work Medical (RTW) Certifications

Human Resources may require a return-to-work certification in cases of sick leave absences of three (3) consecutive working days or consist of sporadic and recurring sick leave absences over a short period due to illness or injury. For example, if an employee calls out sick for 3-5 non-consecutive days over two weeks.

This RTW certification is used to determine the following:

- Is the employee physically/mentally able to be at work or perform the work?
- Is some form of accommodation needed/requested?
- Is the employee eligible for the Family Medical Leave Act (FMLA) or another form of leave for their illness/injury, etc.?

Holidays

The following information regarding holidays applies to all classified and non-classified employees. State agencies have the discretion to modify and exchange holidays as long as the number of holidays remains at eleven (11) per fiscal year.

Eligibility for paid holidays begins on the first date of employment. Regular, full-time employees receive eight (8) hours of paid leave for each of the eleven (11) state holidays CDE observes annually. Regular, part-time (leave eligible) employees receive a prorated amount of holiday pay based upon the number of standard and scheduled hours they work.

For regular, full-time employees, holidays are paid at a maximum of eight (8) hours. Employees working flexible schedules of more than eight (8) hours a day must either supplement the remaining hours with annual or personal leave OR work additional hours within the same workweek to make up for these additional hours.

The Commissioner of Education may designate alternative holiday schedules for the fiscal year; however, the following is a list of holidays CDE expects to observe each year, as designated by CDE's Commissioner:

▪ New Years Day	▪ Labor Day
▪ Martin Luther King Jr. Day	▪ Xavier Francis Cabrini Day
▪ President's Day	▪ Veterans Day
▪ Juneteenth	▪ Thanksgiving Day
▪ Memorial Day	▪ Christmas Day
▪ Independence Day	

Holidays for Flex Schedules and Part-time Staff

If a holiday falls on a day an eligible part-time employee or an employee on a flex schedule is not scheduled to work, the employee must be granted an alternate day for the holiday.

The employee may also choose to *exchange* the holiday for a specific day in the future. If an employee does not request to *exchange* the holiday, the alternate holiday must be taken during the same week as the holiday. The conditions regarding holiday exchanges listed below would apply to the exchange request.

Example: If a part-time employee works a regular schedule of ten (10) hours on Wednesday and Thursday, but the holiday falls on a Monday, the employee is still eligible for four (4) hours of holiday leave on a day determined by their supervisor. The supervisor must schedule this holiday leave to ensure the employee is not losing holiday pay while not gaining an additional four (4) hours of pay during that workweek.

Holiday Exchanges

The State and CDE's Equity, Diversity, and inclusion initiatives have prompted this new policy. These changes allow employees the flexibility to exchange a holiday for another day of their choosing that better represents their individual beliefs and culture.

Employees may submit a request to their appointing authorities/direct supervisor to observe another day off in place of any of the CDE-observed holidays in the same fiscal year. The following are the conditions related to holiday exchange requests:

- Holiday exchange requests are subject to the same submission and approval process outlined in the Requesting Time off section of this document.
- Holidays cannot be exchanged for a day off before the observed holiday.

The only exception is Juneteenth, in which the exchange can occur no more than 30-days prior to the observed holiday.

- Holidays cannot be exchanged in a lump sum.
- Holiday exchanges must be used in single, full-day increments, with a maximum of eight (8) hours.
- Holiday exchanges cannot be banked for future sick or annual leave; see examples below:
 - *Scenario One:* John wants to vacation in the summer but has no dates or plans just yet. He doesn't celebrate Christmas and wants to exchange those two days to use sometime in the summer. **This is not allowed.** This scenario is considered "banking" holiday hours, which is not permitted.
 - *Scenario Two:* John has a vacation planned from May 5 – 18th. He wasn't sure if he would have enough annual leave, but he had requested and planned this time. John doesn't celebrate Christmas, so now he can exchange these two days and use them to cover May 17th and 18th. **This is allowed.** This scenario describes the holiday being exchanged for a specific time and purpose.
- Holiday exchanges cannot be used for sick time.
- Holiday hours exchanged but unused are not eligible for carry-over into the next fiscal year nor payout at the time of separation.

***Bereavement Leave**

The following bereavement information applies to all classified and non-classified employees.

Bereavement leave provides up to 40 hours of paid leave to all regular, full-time employees to take care of personal needs related to the death of a family member or friend. This time can also be used to pay last respects (attend funeral service, etc.) for co-workers or other close business partners, which the employee has requested to attend. CDE will also allow 8 hours of paid leave per fiscal year for a pet's death. Employees are responsible for requesting the required leave and using this time reasonably and responsibly.

Regular, part-time (leave eligible) employees are eligible for bereavement leave equivalent to their regularly scheduled workweek.

**Please refer to this policy's Non-Medical Uses of Sick Leave section for additional leave options that may be used for bereavement.*

Breaks and Meal Periods

Both meal periods and breaks are not required by law or CDE policy; however, CDE encourages that all staff have the ability to take a meal and/or break during the workday. Time away from work, even for a short period, can be very beneficial for mental focus and physical energy.

A major consideration in the provision of breaks and meal periods is the employee's scheduled hours of work. If an employee is expected to work 8 hours, their work hours must account for breaks and/or meal periods. For example, if an employee takes a 20 or 30-minute meal period and begins work at 8:00, they should be at work until at least 4:30.

Breaks

Breaks are not mandatory, e.g. employees are not entitled to two 15- minute breaks each day. Supervisors have the discretion to allow or not allow breaks for their employees. Supervisors are expected to apply a consistent set of standards in deciding whether to allow breaks. If a break is allowed, it should be brief, not exceed 15-minutes, and limited to two (2) breaks per day. Breaks are compensated time so this time away from work should not be deducted from the employee's timesheet/pay.

Meal Periods (Lunch)

Meal periods are not mandatory but highly encouraged. A bona fide meal period is when an employee is completely relieved from work for a duration of anywhere from 20 minutes to an hour. A meal period may extend beyond an hour with advance permission from the employee's supervisor. Meal periods cannot be at the end of the workday.

A bona fide meal period is not compensated time so this time away must be reflected on the employee's timesheet. If an employee chooses to remain at their desk and continue work while they have lunch, this is not considered a bona fide meal period and this time would be compensated. If the employee is at their desk having lunch and clearly not working, this time is not compensated.

Jury Duty

The following information regarding jury duty applies to all classified and non-classified employees.

CDE provides paid time off to all employees for jury duty. Employees can retain any remuneration they are paid for jury duty. Documentation from the court (not the jury summons) must be attached to the employee's time and effort report as proof of attendance at jury duty to receive paid leave.

Workers' Compensation

The following information regarding workers' compensation applies to all classified and non-classified employees except, where noted below, under "Injury Leave," which applies to classified staff only.

All employees are insured under the Workers' Compensation Act for injuries sustained during employment. It is the employee's responsibility to report any accident on the job to the employer to receive workers' compensation. If the injury is severe enough to cause loss of work or lost time, medical and rehabilitating expenses may be paid for by this insurance.

Employees must report accidents promptly. In all cases of on-the-job injuries, employees must notify the employer in writing of the job injury within four (4) days of the injury. Also, if it is determined that the injury was due to willful misconduct or negligence on behalf of the employee, workers' compensation benefits may be reduced or denied.

By statute, the employer can designate medical providers for workers' compensation. CDE participates in the Workers' Compensation Designated Provider Program. This program requires employees to seek medical assistance at one of the healthcare agencies provided on our

"approved provider" listing. In non-emergency cases, visits to a non-designated health provider may not be paid by workers' compensation.

For more information on the State's workers' compensation program, please visit <https://www.colorado.gov/pacific/dhr/workerscomp>.

*****The "Injury Leave" benefit listed only applies to classified employees.***

The employee is eligible to receive compensation if the employee misses three (3) working days or 24 total hours due to a work-related injury or illness. Sick leave is used for these first 24 hours of missed time. After the first 24 hours of sick leave usage, the workers' compensation insurance will reimburse the employee directly for a portion of their weekly earnings equal to 2/3 of their average weekly wage. An employee's sick and/or annual leave supplements the pay difference between the 2/3 payment from the insurance provider and the employee's regular pay.

Educational Leave

Regular full-time employees are eligible to receive forty (40) hours of educational leave per fiscal year. Educational leave may not carry over into the next fiscal year and is forfeited at separation. Regular, part-time employees are eligible to receive a prorated amount of educational leave according to the percentage of time the employee's standard and scheduled work hours.

Educational leave is to attend a college or university, special workshops, conferences or institutes, or to participate in approved independent studies or other educational experiences deemed relevant to their job and beneficial to the employee and the State of Colorado.

While on educational leave, an employee shall not receive remuneration for services from any source other than the CDE. Employees participating in or attending conferences, workshops, etc., deemed by the supervisor to be required and/or a direct benefit to their work at CDE will be paid regular hours and do not need to request education leave.

Educational leave is discretionary and granted based upon reasonable efforts to ensure essential work duties can be completed during the leave period. Due to operational requirements, CDE may require another time to be selected for the educational leave.

Classified staff are eligible for educational leave through the State's Administrative Leave Rules provisions. These rules allow the agency to provide administrative leave to attend classes at an educational institution for coursework that applies directly to work. This coursework cannot be a requirement of the job.

Parental Academic Leave

The following information regarding parental academic leave applies to all classified and non-classified employees.

CDE provides 18 hours of paid leave (prorated for part-time) per academic year for parental academic leave. The uses for this leave include attendance at meetings or conferences related to K-12 special education services, intervention, dropout prevention, attendance, truancy, or disciplinary issues regarding an employee's child or any child for whom the employee has primary

responsibility. After these 18 hours have been exhausted, annual or personal leave must be used.

Administrative Leave

The following information regarding administrative leave applies to all classified and non-classified employees.

Administrative leave may be used to grant paid time off when the Commissioner or designee wishes to release an employee from their official state duties for the good of the State. Administrative leave is not intended for use in place of other benefits or to supplement other types of leave.

Activities performed in an official employment capacity, including job-related training and meetings, conferences, hearings, settlements, and job-related testimony in court or official government hearings required by CDE (or subpoena) are work time and not administrative leave. Time off requested to participate in meetings, hearing, court, etc., for personal matters would require the use of annual leave and/or personal leave.

Administrative leave **must be** granted for the following:

- Two (2) hours to participate in general elections if the employee does not have three hours of unscheduled work time between 7:00 a.m. and 7:00 p.m.
- Organ, tissue, or bone donation for transplant (up to a maximum of two (2) days per fiscal year).
- To serve as an uncompensated election judge unless a supervisor determines that the employee's attendance on Election Day is essential. Employees may not accept both election judge pay and administrative leave. If an employee accepts election judge pay, then administrative leave shall not be granted. The employee must provide evidence of service.
- 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, when directed to serve during a declared local disaster within the State or a member of the civil air patrol called to duty for a rescue mission. Employees must return the next scheduled workday or provide documentation stating why they are not able to return once relieved from volunteer service.

All administrative leave must be reported on the Time and Effort Report in the "other" column and include the reason for leave in the box provided.

Military Training Leave

Employees who are also members of the National Guard or military reserve may be granted up to fifteen (15) working days of military training leave with full pay each calendar year for the annual encampment or equivalent reserve training period. The employee must present proper military orders for this type of leave.

Unpaid Leave

The information in this section applies to all classified and non-classified employees except, where noted under "STD Leave," which applies to classified staff only.

Victim Protection Leave

Victim protection leave is unpaid protection granted for up to 24 hours (prorated for part-time employees) per fiscal year for victims of stalking, sexual assault, or domestic abuse or violence. An employee must have one year of Department of Education service to be eligible and have exhausted all annual and if applicable, sick leave.

Military Leave

Employees who enter active military service, including active duty for training, are granted military leave without pay for the entire initial service plus any period of additional service required by law. An employee must present proper military orders for military leave.

An employee who returns from military service is entitled to return to the same position or an equivalent position in accordance with applicable law.

Voluntary Furlough

Voluntary Furlough is unpaid job protection granted for up to 72 workdays per fiscal year when the Commissioner declares a budget deficit in personnel services. An employee may request such absence to avoid a more severe position reduction or abolishment.

General Leave-Without-Pay (LWOP)

Paid time off must be used before leave can be unpaid. Leave-Without-Pay (LWOP) is a temporary, non-paid absence when an employee has insufficient annual, sick, or personal leave available to cover an absence.

LWOP will only be authorized for extenuating circumstances, including Family Medical Leave and/or as a possible accommodation under the Americans with Disability Act as Amended (ADAAA). Therefore, LWOP must generally be approved in advance when possible.

LWOP cannot be used routinely for time off that is more than an employee's paid leave balance. Excessive and/or unapproved LWOP may result in corrective action up to and including separation of employment.

Requesting and Tracking Time Off

The information in this section applies to all classified and non-classified employees.

Regular attendance and punctuality are essential functions of all positions at CDE. All employees are expected to request, and use leave responsibly.

Scheduling Time Off

The employee's immediate supervisor must approve all requests for time off.

Employees should submit requests in writing (via phone/in-person in certain circumstances) to their immediate supervisor for approval before taking leave. CDE asks for as much advance notice

as possible. The standard guideline would be at least three (3) days prior notice for every one day requested off. For example, if an employee requests five (5) days off, the expectation is a minimum of 15 days prior notice. Requests may be a minimum of 1/4-hour (.25) increments.

Requests are granted (or denied) at the supervisor's discretion, which should be based upon a reasonable assessment of business needs and requirements.

CDE leadership may establish periods when time off will not be allowed. They may also establish periods when time off must be taken. These periods are based upon business necessity and must be approved by the applicable member of the Commissioner's Leadership Team (CLT) member.

If CDE cancels or denies annual leave that was already approved, which later results in forfeiture, the forfeited hours shall be paid before the end of the fiscal year.

Employees are accountable for monitoring their time off balances. CDE is not required to accommodate and approve employee requests at the end of the fiscal year to use excess paid leave to avoid forfeiture.

CDE discourages and is not required to approve paid leave during an employee's resignation and/or retirement notice period. Approved time off during a resignation/retirement notice is discretionary and based on a bona fide business need and must be approved by the HR Director and applicable CLT member. Accrued and unused annual and/or sick leave is paid according to CDE's policy upon separation.

Unscheduled Time Off

Unscheduled employee absences can occur for many reasons. CDE encourages employees who are ill to stay home to prevent the spread of illness. Should an unscheduled absence exceed three (3) consecutive working days or sporadic absences over a short period due to illness or injury (i.e., five days over two weeks), the Human Resources unit must be notified. Human Resources staff are required to contact the employees to ensure they are aware of their rights under FMLA and/or accommodations under the ADA, should these be applicable.

Sick leave may be denied if the employee fails to provide the appropriate documentation to support their absence. The employee may also be required to obtain a return-to-work certification from their physician. For the protection of the employee and employer, the certification must affirm the employee can return to work. Confidential documentation will be requested and submitted to the Human Resources unit.

Excessive unscheduled time off (non-FMLA) is subject to coaching and corrective action up to and including separation of employment. Failure to call-in for two (2) consecutive days is job abandonment and voluntary resignation from CDE. An exception would be if the employee could establish, via supportable and verifiable documentation, that a bona fide emergency existed, which rendered the employee incapable of notification.

Compensatory Time

CDE does not recognize compensatory time as a form of compensation. Non-exempt (eligible for overtime) employees are paid for all hours worked and paid overtime for hours worked over 40 within the standard workweek.

Non-exempt employees must report all hours worked on their Time and Effort reports. All hours worked over 40 in the standard workweek are paid at the overtime rate of one and one-half times their hourly rate.

Exempt (not eligible for overtime) employees are not eligible for overtime nor compensatory time.

The HR Unit determines the exempt or non-exempt status of a position in accordance with federal law under the Fair Labor Standards Act (FLSA).

Tracking Time Off

Human Resources is responsible for tracking leave accruals for record-keeping purposes and ensuring proper reconciliation of unpaid leave with CDE's Payroll Office.

Employees should be monitoring and tracking their paid time off accruals and usage as a means of accountability and management of these benefits. Supervisors must maintain routine visibility of their employee's available time off to approve correctly (or decline) time off requests and ensure the time reported on time and effort reports is accurate.

CDE's time and effort reports are legal documents that must accurately reflect the time worked and paid time off used. Supervisors are responsible for the accuracy and verification of these hours. Supervisors that sign-off/approve Time and Effort reports that are incorrect may be subject to corrective action.

If an employee identifies Issues or discrepancies with their paid time off, please immediately bring to Human Resources' attention by using the Smartsheet ticketing system.

Delayed Start Times / Early Closures / Building Closures

The information in this section applies to all classified and non-classified employees.

There are occasions when CDE or the Governor declares a delayed start, early closure, or office closures. These can occur for various reasons, such as inclement weather, facility issues, etc. When this occurs, employees who work from the impacted building(s) and are scheduled to work when the closure occurs are provided with administrative leave (admin leave) for the closure. If an employee did not come to work, was not scheduled to work, or works remotely, they would not be eligible for admin leave related to the closure event.

Admin leave associated with a delay and closure (except holidays) must be used explicitly for the delay and closure event. **This type of admin leave cannot be used at another time or date.** For example, if there is a two-hour weather delay, the two hours of admin leave only applies to staff working from an impacted location during the delay. The same is true for early closures. If there is a one-hour early closure due to weather, this one-hour of admin leave is for the early closure

on that specific day and cannot be used later.

- **Delayed Start** - A two-hour delay is a two-hour delay from your standard start time. So, if an employee typically starts work at 8 a.m., a two-hour delayed start time would be 10 a.m. If the employee's standard start time is 7 a.m., a two-hour delayed start time would be 9 a.m., etc.
- **Early Closure** - The same logic for delayed start applies to early closures; however, some early closures may take place *after* some employees have gone home for the day. For example, if the building closed early at 4 p.m., employees who worked earlier hours may have already left for the day when the early closure was declared. In this case, the early closure applies only to those employees who worked past 4 p.m. The employees who departed before the closure are not eligible for early closure admin leave.
- **Building closure** - If a CDE office or State offices are declared closed for weather, facility issues, etc., the admin leave granted pertains only to employees that work from the impacted building(s) AND are scheduled to be in the office the day of closure. Remote workers and staff who were out on vacation, out sick, not scheduled to work, etc., at the time of closure are not eligible for admin leave for the closure.

Employee Notifications and Employee Self-Service

CDE will make every effort to notify all employees via email and/or text message as soon as possible for delays and closures using the State's automated notification system. This notification system uses the employee contact data from the Employee Self-Service system (ESS). Employees use The ESS system to obtain their pay stubs and update their personal information, such as address and phone numbers. Employees must keep their information current so that they can receive these notifications.

For more information on ESS, please utilize the ESS Information Sheet located on the HR page of MyCDE.

Leave Donations

The information in this section applies to all classified and non-classified employees.

CDE recognizes the realities of life that may require staff to exceed the paid leave they have available for life-altering medical events. The policy regarding leave donations aligns with the State's policy on leave donation.

Eligibility

Employees with one year of service and 1,250 hours worked are eligible to apply for a leave donation. Annual leave is the only type of paid leave eligible to donate. Sick leave and personal days are not eligible for donation.

The donation program only covers severe medical hardships and life-altering illnesses or injuries, such as cancer, major surgery, serious accident, heart attack, etc., that typically require in-patient, hospice, and/or resident health care. This policy does not cover normal pregnancy, common illness, workers' compensation events, and other non-life-altering/life-threatening

events. Leave donations are not intended to cover instances of irresponsible leave usage.

Approvals

The Commissioner of Education or their Delegate shall approve or reject applications based on review and recommendation from the HR Director. Each request will include a review with the employee's direct supervisor to ensure that employee attendance and leave are not subject to abuse and misuse. After all eligibility criteria are established, a recommendation will be made by the HR Director to either approve or deny the request. The Commissioner or their Delegate will have the final approval authority of the request.

Decisions to approve or deny donated leave requests are determined case-by-case. Donation requests are limited to those reasons listed under the purpose of the program. Donation requests may be rejected for suspected sick leave abuse, as shown by documentation, incomplete application, refusal to supply the requested information, ineligibility, or other compelling reasons determined by the department. The employee's performance, as documented by performance and employment histories and program needs, may be considered in the final decision.

Considerations for Requests and Approvals

- ✓ Donation requests do not constitute approval of the request. Denial of the request is not necessarily a determination that the situation is not a personal emergency.
- ✓ The decision to approve or reject the application is final and not subject to grievance or appeal.
- ✓ The maximum annual leave that can be donated to a single employee is 520 hours.
- ✓ There is no expectation, nor is it required, to pay back the donated leave to the donor or CDE.
- ✓ In cases where the medical situation ceases to exist or the employee terminates or retires, any unused portion of the donated leave is proportionately refunded to the applicable donors.
- ✓ Donated time may be applied retroactively to the beginning of the leave-without-pay period for the illness/injury it was granted.
- ✓ All leave donations are voluntary and in no way required by CDE.
- ✓ Employees who provide a leave donation may not donate annual leave, which results in a negative balance.
- ✓ All policies and rules that apply to paid leave also apply to the use of donated time, except the provision for payment at the time of separation.

Types of Donations

- **Solicited Leave Donations** - When an employee has requested and been approved to receive donated leave but **does not** have identified donor(s), Human Resources will solicit contributions on their behalf. This solicitation will not include any confidential details. The communication from HR to all CDE employees will only announce the need for a leave donation and the process to donate leave. HR will not disclose personal information or the employee's name.

If the department cannot generate sufficient contributions, additional contributions may be solicited from other agencies if deemed feasible by the Commissioner or

Delegate. The department does not assume responsibility for seeking contributions from other agencies. If donations received exceed the amount needed, donations would no longer be accepted. Any excess donations are proportionately refunded to the donors.

- **Non-Solicited Donations** - When an employee has requested and been approved to receive donated leave and has identified donor(s), the donors must complete the Annual Leave Donation Form. A minimum donation of eight (8) hours of annual leave is required. Once the donation form has been reviewed and approved, the annual leave will be transferred from the donor to the employee's leave account. The donor will have their leave balance adjusted to reflect the donation.

Requesting Leave Donations

Employees needing donated leave can obtain the Donation Request Form from MyCDE.

Before a leave donation request can be considered, a request for FMLA must be submitted and approved by Human Resources. Eligibility under FMLA is one of the prerequisites for receipt of a leave donation.

The employee must submit the completed request form to the Human Resources email box hr@cde.state.co.us. An employee representative may complete the form on the employee's behalf if the employee cannot apply in person. On the request, please indicate whether donor(s) have already expressed interest in donating OR if you need HR to solicit donations on the employee's behalf.

Approval may be granted after all eligibility criteria have been established and the Commissioner or their Delegate has made their final approval. HR will notify the employee via email once the approval or denial has been received.

The maximum amount of donated leave an employee can receive would be 520 hours. Employees must use all available paid leave before donated leave can be applied.

Donor Contribution Process

Employees who wish to donate leave to another employee must submit the Annual Leave Donation Form, which can be obtained from MyCDE under the Human Resources page. The completed donation form must be submitted to the Human Resources email box at hr@cde.state.co.us. If approved, HR will deduct the donated leave from the donor's available leave balance and transfer it to the eligible employee's leave balance. The recipient of donated leave must be deemed eligible to receive the donation. HR will notify the donor via email once the donation is approved or denied.

Leave donations can only be accepted for specific employees who qualify to receive the leave donation. Leave cannot be donated to a general leave bank.

Appendix A

The following pertains to staff employed with the State and CDE during periods in which leave policies were modified. These reflect the only exceptions to the time off benefits described in the Time off Benefits and Usage Guide dated July 1, 2020.

Provision One – Staff Hired Before July 1, 1988

Employees hired after June 30, 1988, may accrue up to 360 hours of sick leave. Employees who began work before July 1, 1988, may accrue 360 hours of sick leave plus any sick leave they had accrued before July 1, 1988. Sick leave that exceeds the employee's maximum accrual is forfeited on June 30 of each year. Sick leave accrual that exceeds the maximum accrual will be converted to annual leave at a ratio of five sick leave hours to one hour of annual leave up to 16 hours of annual leave per fiscal year.

Provision Two – Annual and Personal Leave Accrual Rate Change – April 1, 2019

On April 1, 2019, CDE modified its annual and personal leave accruals. Employees with accrual rates that exceeded the revised rates at the time of policy transition, were not subject to changes in their accruals. These employees were allowed to keep their higher accrual amounts for the duration of their employment with CDE. The rates of accrual for these staff are listed in the table below.

Annual Leave Accrual Rates – Before April 1, 2019					
	Years of Service	Days Per Year	Hours Per Year	Hour Per Month	Maximum Accrual
Tier 1	0 – 4 years	21	168	14	336
Tier 2	5 – 6 years	24	192	16	336
Tier 3	7 – 9 years	27	216	18	336
Tier 4	10+ years	30	240	20	336

Personal Leave - Before April 1, 2019			
	Years of Service	Days Per Year	Hours Per Year
Tier 1	0 - 4 years	1	8
Tier 2	5 - 10 years	2	16
Tier 3	10+ years	3	24

The following examples were provided to illustrate the impacts of the accrual changes, based upon years of service at the time of implementation (April 1, 2019):

- **Example 1:** An employee reaches 7 years of service on or before March 31, 2019. Since they hit this anniversary before the April 1 implementation date, they will receive and maintain the increased accrual rate of 27-days of annual leave prescribed in the current system. Personal days would remain static at 2 days.
- **Example 2:** An employee is at 6 years of service and will not have reached 7 years of service on or before March 31, 2019. In this case, the employee falls under the new accrual system and is not eligible to increase to the 27-day accrual. They will remain at the 24-day maximum annual leave accrual. Personal days will remain static at 2 days.
- **Example 3:** An employee is at 10 years of service on or before March 31, 2019. The employee's annual leave accrual rate will remain frozen at 30-days, and their personal leave accrual will remain frozen at 3 days for the duration of their at-will employment with CDE.
- **Example 4:** An employee reaches four years of service as of March 31, 2019. The employee will remain at the 21-day annual accrual rate and one personal day until they reach their 6-year anniversary. Upon their 6-year anniversary, their leave will increase to the 24-day yearly accrual rate and 2 days of personal leave that, are both the maximum accrual levels in the new system.