Preamble

Unless otherwise noted in a specific provision, the entire body of State Personnel Board Rules were repealed and new permanent rules were adopted by the State Personnel Board on April 19, 2005, pursuant to a Statement of Basis and Purpose dated April 19, 2005. The entire body of the State Personnel Director's Administrative Procedures were repealed and new permanent procedures were adopted by the State Personnel Director on May 5, 2005, pursuant to a Statement of Basis and Purpose dated May 5, 2005. Such rules and procedures were effective July 1, 2005.

This version reflects an emergency rulemaking by the State Personnel Director as follows: 5-4.A, 5-7 (Table). These emergency administrative procedures are effective April 1, 2020 and are in effect for 120 days.

Chapter 5 – Time Off Disaster Emergency

5-4. Annual leave is for an employee’s personal needs and use is subject to the approval of the appointing authority. The appointing authority may establish periods when annual leave will not be allowed, or shall be taken, based on business necessity. These periods cannot create a situation where the employee does not have a reasonable opportunity to use requested leave that will be subject to forfeiture. If the department cancels approved leave that results in forfeiture, the forfeited hours shall be paid before the end of the fiscal year. (5/1/10)

A. During the declaration of a state of emergency by the Governor, as defined in the Colorado Disaster Emergency Act, when leave was denied or the employee was not given reasonable opportunity to use the requested leave, annual leave up to eighty (80) hours over the maximum accrual allotment may be carried over at the discretion of the department and employee. The over accrued annual leave amount will roll over to the next fiscal year on July 1 and is available to the employee to use. This amount will not carry over for a second fiscal year. Accrued annual leave in excess of the eighty (80) hours over the maximum accrual allotment that the department cancelled shall be paid out to the employee. (04/01/2020)

5-7 (Table) (Annual Leave Accruals) ** Over-accrued amounts are forfeited at the beginning of the new fiscal year (July 1st) except when Rule 5-4. A. is applicable.

5-7 (Table) (Sick Leave Accruals) **** During the declaration of a state of emergency by the Governor, as defined in the Colorado Disaster Emergency Act, sick leave balances may go negative up to forty (40) hours once all accrued sick, annual leave, and compensatory leave is exhausted. Subsequent sick leave accruals will be credited to the negative balance. If an employee separates before the negative balance is recovered, it will be deducted from their final paycheck.
## Monthly Leave Earning, Accrual, Payout, and Restoration for Permanent Employees

<table>
<thead>
<tr>
<th>Years of Service*</th>
<th>Annual Leave</th>
<th>Sick Leave****</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hrs. / Mon.</td>
<td>Max Accrual **</td>
</tr>
<tr>
<td>Years 1 – 5 (01 – 60 Months)</td>
<td>8</td>
<td>192 hours</td>
</tr>
<tr>
<td>Years 6 – 10 (61 – 120 Months)</td>
<td>10</td>
<td>240 hours</td>
</tr>
<tr>
<td>Years 11 – 15 (121 – 180 Months)</td>
<td>12</td>
<td>288 hours</td>
</tr>
<tr>
<td>Years 16 or Greater (181 or more Months)</td>
<td>14</td>
<td>336 Hours</td>
</tr>
</tbody>
</table>

* Years of service is computed from the 1st calendar day of the month following the hire date; except if the employee began work on the 1st 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.

** Over-accrued amounts are forfeited at the beginning of the new fiscal year (July 1st) except when Rule 5-4. A. is applicable.

*** Over-accrued sick leave up to eighty (80) hours is converted to annual leave each new fiscal year (July 1st) at a five to one (5:1) ratio (five (5) hours of sick converts to one (1) hour annual leave). An employee may have an individual maximum accrual that is greater than three hundred and sixty (360) hours if continuously employed in the state personnel system prior to 7/1/88. Maximum accrual for these employees is calculated by adding three hundred and sixty (360) hours to the leave balance on 6/30/88.

**** During the declaration of a state of emergency by the Governor, as defined in the Colorado Disaster Emergency Act, sick leave balances may go negative up to forty (40) hours once all accrued sick, annual leave, and compensatory leave is exhausted. Subsequent sick leave accruals will be credited to the negative balance. If an employee separates before the negative balance is recovered, it will be deducted from their final paycheck.

### General Provisions

Employees shall be at work or on paid leave to earn monthly leave. Leave is credited on the last day of the month in which it is earned and is available for use on the first day of the next month, subject to any limitations elsewhere in Chapter 5, Time Off. A terminating employee shall be compensated for annual leave earned through the last day of employment.

Part-time employees who work regular, non-fluctuating schedules earn leave on a prorated basis based on the percentage of the regular appointment, rounded to the nearest one, one hundredth (1/100) of an hour. Leave for part-time employees who work irregular, fluctuating schedules and full-time employees who work or are on paid leave less than a full month is calculated by dividing the number of hours paid by the number of work hours in the monthly pay period. The percentage is then multiplied by the employee’s leave earning rate to derive the leave earned. Overtime hours are not included in leave calculations.
Leave payouts at separation are calculated using the annualized hourly rate of pay (annual salary divided by two thousand eighty (2080) hours for full-time employees), and employees are only eligible for the sick leave payout one (1) time - initial eligibility for retirement.

Forfeiture of leave as a disciplinary action or a condition of promotion, demotion, or transfer is not allowed.

Borrowing against any leave that may be earned in the future or "buying back" leave already used is not allowed, except during a declaration of a state of emergency by the Governor, as defined in the Colorado Disaster Emergency Act, as indicated above.

Use of annual leave cannot be required for an employee being laid off.

Make Whole: When an employee is receiving workers’ compensation payments, accrued paid leave is used to make the employee’s salary whole in an amount that is closest to the difference between the temporary compensation payment and the employee’s gross base pay, excluding any pay differentials. Leave earning is not prorated when an employee is being made whole.

Short-Term Disability: Employees are required to use paid leave during the thirty (30) day waiting period for short-term disability benefits, including the use of accrued annual leave and/or compensatory time once sick leave has been exhausted. When an employee is receiving short-term disability payments, accrued paid leave may be used to make the employee’s salary whole in an amount that is closest to the difference between the short-term disability benefit payment and the employee’s gross base pay, excluding any pay differentials. Leave earning is not prorated when an employee is being made whole.