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## PERA Service Credit Cost Increase November 1, 2005

The cost to purchase service credit will increase to the full actuarial cost, or the cost to PERA of adding this time to a member's service credit, beginning November 1, 2005. This cost increase will not apply to completed purchase applications received before November 1, 2005.

To purchase service credit under the provisions in effect before November 1, 2005, a member must be eligible to purchase service credit and must provide a complete Service Credit Purchase Application and supporting documentation **before close of business at 4:30 p.m. on Monday, October 31, 2005. A postmark of October 31 is not sufficient.**

PERA staff will review applications for completeness, but will not generate new purchase agreements or provide individual member counseling and account information during this time. No appointment is necessary.

### EMPL/CPPS Conversion Update

With the retirement of the EMPL system approaching, training dates, times and location for the new CPPS HR system have been established. Please visit the DHR Web site at [colorado.gov/dpa/dhr/forms/EMPL.htm](http://colorado.gov/dpa/dhr/forms/EMPL.htm) to register online for training on the new system. Training dates will be added for October, including training in Pueblo and Grand Junction. Please continue to check this Web site for additional dates and locations. If you need additional information, contact Ranea Taylor at 303.866.4642.

### Address Change

The State Personnel Board's address has changed to 633 17th Street, Suite 1320. Please send all correspondence to the Board to that address.

## Reporting Loss or Damage to State Property

Colorado has escaped major damage during this year's rain, wind and hail season, but agencies may soon be faced with winter's usual onslaught of claims related to blizzards and freezing. Frozen pipes result in water damage to building interiors, electronics and documents, as well as occasional loss of research components, all of which can be very costly. Roof collapses may occur after heavy snows, which may also damage HVAC units and landscaping.

Time is of the essence when reporting damage to the State Office of Risk Management, using the risk management property loss form. An electronic version of the form is available at [colorado.gov/dpa/dhr/pubs/docs/risk/SRM-08.pdf](http://colorado.gov/dpa/dhr/pubs/docs/risk/SRM-08.pdf). It can be faxed or sent as an e-mail attachment to risk management. Major or catastrophic losses need to be reported immediately to any agency risk contact person or to Betty Crist at (303) 866-4290, or by leaving a message at (303) 866-3848. Failure to report a loss promptly can result in reduced payments.

Risk Management reports each loss to Marsh, the State's insurance broker, where further handling of the claim is determined. Losses under \$10,000 in value are assigned to Mary Oberts, claims executive at Marsh, while more significant claims are forwarded to AIG for handling. AIG often assigns a local appraiser to work with the state agency's contact person during the adjusting process.

When filing a loss notice with Risk Management, it is helpful to include any law enforcement or fire department reports along with items such as the original purchase order or invoice, documentation of replacement items that are available, repair estimates, bids or other similar items. This makes it easier to assess the loss and determine whether the claim will be handled locally by Marsh. The scope of damage is often difficult to determine immediately after occurrence of a major loss, so appropriate personnel should use a "best guess" estimate when submitting the report. If supporting documents are not easily available, the claim should still be reported at once.

Please See "Reporting Loss" page 5

# C-SEAP: Organizational Assistance for Agency Crisis Management and Recovery

- An employee is assaulted and seriously injured in the course of his duties by a member of the public.
- An employee is killed in an accident on the way to or from work.
- An employee is seriously injured or killed in an accident while on the job.
- Employees see a fellow worker struck down by a medical catastrophe in the course of the workday, or arrive at work to hear that a fellow employee was taken gravely ill the previous evening.
- Employees witness a self-injury or suicide by a member of the public, or witness a fatal accident.

In a workforce of the size of Colorado government—some 60,000 employees working in 19 departments and over 250 agencies—traumatic events such as those described above, some predictable and others completely unexpected, can and do occur from time to time.

Exposure to trauma typically has a distinct (though almost always transient) adverse impact on victims or witnesses, often causing varying periods of anxiety, sleep disruption, diminished concentration and reduced productivity, irritability, and other biopsychosocial responses. Trauma may affect coworkers and workgroups as well as the individuals directly involved in an incident. Depending on the nature, severity and circumstances of the event, coworkers (including supervisors and managers) may experience grief, fear, confusion, anxiety, or anger (whether toward the public, toward a colleague, or toward the workplace itself), with resulting disruption in productivity and working relationships.

When trauma affects the workplace, managers are faced with difficult tasks during a time when they may themselves be experiencing uncertainty, anguish, or grief about what has occurred. Decisions must be made about how to provide support to the individuals directly affected, how (and how much) to communicate to coworkers about a traumatic event, and how much leeway to give in ordinary work activities in recognition of the shock and distress over the incident (or whether continuing business as usual, to the greatest extent possible, may be necessary, and even helpful as a form of reassuring routine). The goals of communicating concern and providing support may seem at odds with continuing

to maintain essential services, creating a sense of ethical quandary, or the incident may suggest the need for re-evaluation of certain policies and procedures at a time when intense emotions make it difficult to do so effectively.

When trauma affects the workplace, C-SEAP is available to help on both the organizational and individual levels. When contacted, C-SEAP will provide any one or a combination of the following services, according to the needs and wishes of the agency and individuals involved:

Meeting on a same-day (when possible) or next-business-day basis with the involved workgroup, to provide support and assistance in identifying the impact of the trauma and strategies for maximizing individual and group well-being under difficult circumstances. Often, simply knowing that certain unpleasant physical and emotional reactions are predictable but temporary, allows individuals to feel reassured of their own fundamental well-being and to avoid the needless additional distress of second-guessing their own reactions.

Consulting one-on-one with the managers or supervisors, whether in person or by telephone, to identify strategies for assisting the workgroup to cope as effectively as possible, and for communicating supportively and appropriately to any employees who may be severely distressed.

State employees who are affected (whether directly or indirectly) by workplace trauma can receive priority appointments for C-SEAP's individual counseling services (always cost-free and confidential) if they desire those services.

It is important to note that post-trauma services to workgroups are not therapy groups or '-', and participants are not asked to re-live a trauma or to re-tell their experiences upon finding out about a traumatic event. Research has demonstrated that the most useful post-trauma group interventions are fundamentally educational, providing information and reassurance regarding normal post-trauma responses, providing awareness of resources for those who may be more severely affected, and helping the workgroup identify how to use its existing strengths to make sound decisions about responding to the trauma and assisting each other's best coping strategies in the days and weeks ahead.

C-SEAP continued on page 5

# FORM REVISIONS REQUIRE ATTENTION FROM HR DEPARTMENTS

The Consolidated Appeal/Dispute Form, the Grievance Form and the Whistleblower Form have been revised, and it is imperative that HR staff take heed to ensure no outdated forms are being used from this point forward. All new forms are available on the following Web site link: [colorado.gov/dpa/spb/](http://colorado.gov/dpa/spb/).

Please use this Web link when directing people to the forms for any type of dispute. Forms can now be completed on line, but still need to be printed and signed, then mailed, faxed, or hand-delivered to the Personnel Board or the State Personnel Director, as indicated. It is a requirement that all appeals, disputes, whistleblowers, and grievances be submitted on the appropriate form. HR offices might want to consider having forms available for people who don't have computer access.

Note that the Consolidated Appeal/Dispute Form has changed considerably, as it now distinguishes between the types of appeals/disputes and lists the locations where they are to be sent. For example, Exam Appeals, Director's Reviews, Reallocations, etc., will no longer go to the Personnel Board, but will be sent directly to the State Personnel Director, 1313 Sherman Street, First Floor, Denver, CO 80203. Again, the appropriate address for each type of dispute is listed on the form.

You may wish to provide the above Web site link any time you are giving notification of appeal, grievance or dispute rights. When using the Web site link, make sure your notice of appeal rights includes the deadline for response and offers assistance and copies of forms.

Regardless of how you choose to provide appeal rights, please make necessary corrections to all documents as soon as possible and destroy all old forms. Documents that often include appeal related rights are job announcements, applicant notification letters, exam signature "dec" sheets (typically used in oral and written objective exams), rank/score notification letters, eligible list referral notices, downward allocation notices, corrective/disciplinary actions, grievance responses, notices of layoff or exemption from the state personnel system, FLSA or FMLA notices, Web sites, employee handbook, orientation material, and performance programs and performance rating forms. While we

attempted to identify most of the potentially impacted documents, there may be others, so please review your procedures to identify all documents.

If you have questions or comments, please contact Heather Perdue at 303-866-5383 or [heather.perdue@state.co.us](mailto:heather.perdue@state.co.us)

## Retirement Plan Choices for New Hires

### *Part One of a Four-Part Series*

All current state employees have one option for their retirement – the Public Employees Retirement Association (PERA) Defined Benefit Plan. State employees automatically start contributing 8% (10% for Troopers) of their salary and the State (employer) contributes 10.15% (12.85% for Troopers) with their first payroll. State employees do not contribute to Social Security but they do contribute to Medicare.

Effective January 1, 2006, all newly hired employees (except higher education employees) will have an important one-time choice to make for their retirement plan. Employees must consider the options carefully and choose the retirement plan that best suits their needs. The choices are:

- 1) Colorado PERA Defined Benefit Plan (PERA DB Plan);
- 2) PERA's 401(a) Defined Contribution Plan (PERA's DC Plan) managed by CitiStreet; or,
- 3) State of Colorado 401(a) Defined Contribution Plan (State DC Plan) managed by three providers: Great-West Retirement Services, The Hartford and ICMA-RC.

Resource: [colorado.gov/dpa/dhr/benefits](http://colorado.gov/dpa/dhr/benefits), click on tax-deferred savings plans. Look for additional monthly *Advisor* articles covering topics such as eligibility, changes, and supplemental retirement plans. Questions should be referred to Suzanne Kubec at 303-866-3954 or [suzanne.kubec@state.co.us](mailto:suzanne.kubec@state.co.us) or Anne Marcovecchio at 303-866-2576 or [anne.marcovecchio@state.co.us](mailto:anne.marcovecchio@state.co.us).

# Family Medical Leave Act (FMLA) Corner

Please share this information with FMLA Coordinators, payroll/benefits staff, and any others who work with the FMLA.

## ***FMLA and Short-term Disability (STD)***

These are employee eligibility requirements for STD leave:

- At least one year of service with the state,
- Apply for STD benefits within 30 days of the beginning of the absence, or at least 30 days prior to the exhaustion of all accrued sick leave, and
- An employee must notify the department when the employee submits an STD benefit application.

The leave portion of STD is unpaid. The salary replacement(benefits) portion is paid from a third party, not from the employee's leave bank. STD runs for 180 days, including the 30-day waiting period.

Sick leave must be exhausted before receiving STD benefits and must be used during the 30-day waiting period. Annual leave is used for the remainder of the 30-day waiting period if sick leave is exhausted.

FMLA and STD leave run concurrently. Under state FML rules (5-27), an employee must use all accrued personal leave (annual and sick) before being placed on unpaid FML. STD leave rules state that an employee is not required to use annual leave past the waiting period.

In cases where FML and STD leave apply concurrently, use of annual leave beyond the STD 30-day waiting period is not required (Time Off Technical Assistance under FML, p. 11).

### *Caring for a Seriously Ill Family Member*

Tellis v Alaska Airlines, Inc., 9th Cir, No. 04-35,137, July 12, 2005. Alaska Airlines terminated Tellis for unexcused absences after Tellis was gone without obtaining the required approval for his absences. Tellis sued claiming that his absence was FMLA protected.

### **Facts**

Tellis was an airline maintenance mechanic who lived in Seattle. He was advised that he could take FMLA leave to care for his wife who was having difficulty with her pregnancy. He requested 3 days of vacation leave and Alaska Airlines sent him the appropriate forms for FMLA leave. Tellis' car broke down on the second day of his leave, so he flew to Atlanta, where he owned another vehicle, and drove the second vehicle back to Seattle. He called his wife regularly on his trip back, and his sister-

## **ON THE LEGAL FRONT**

in-law stayed with his wife, who gave birth while he was gone. After Tellis' requested vacation leave expired, and after trying to contact Tellis for nearly two weeks, Alaska Airlines terminated him. Tellis sued claiming that his leave was protected under the FMLA because he was caring for his pregnant wife by giving her psychological assurance over the phone.

### **Decision**

The 9th Circuit Court of Appeals found for the employer and stated that Tellis' phone calls did not provide actual care. The Court held that caring for a family member with a serious health condition involves some level of participation in the ongoing treatment of that condition, including daily conversations with the family member and constant presence. The Court stated that "caring for" requires close and continuing proximity to an ill family member. Tellis' absence was not to participate in his wife's medical care and the phone calls did not constitute participation in ongoing treatment.

### *Notice and Lack of Evidence Prevent Employee's FMLA Claim*

Doughttie v Ashland Inc., WDTenn, No. 03-2073, May 24, 2005. (Doughttie is a bankruptcy trustee for the defendant, Vincent O'Neil Brooks). While on probation for poor performance, Mr. Brooks was terminated for violating company procedures and failing to call in to report an unexcused absence. Brooks sued claiming that his FMLA rights were violated.

### **Facts**

Brooks was a service center manager for Valvoline Instant Oil Change in Memphis, Tennessee and had recently been placed on probation for poor performance, which included failure to return phone calls, pages, and voicemails. He was well aware of FML and company procedures in the employee handbook stating that, except in emergencies, employees must complete a Family Leave Form 30 days before taking leave. On the day before he was scheduled for outpatient surgery, Brooks informed his manager that he would be taking leave to have his tonsils removed. He presented his supervisor with a prescription from a physician that indicated that Brooks was scheduled for outpatient surgery the next day. Brooks took leave the next day and a few days later Brooks' brother called an assistant manager to inform him that Brooks would not be in the next week. Brooks did not contact his supervisor, the

supervisor's manager, or anyone in human resources, even though Brooks knew that his supervisor was trying to contact him. The next week Brooks mailed his supervisor his hospital discharge papers with his hand written note stating that he would return to work at the end of the second week of leave. Brooks produced nothing that indicated that he was able to return to work and did not have a follow-up with his surgeon for a month after the surgery. After two weeks of absence, Brooks returned to work and was terminated for violating his probation and failure to report to work after his surgery. Brooks sued claiming that being terminated violated his FMLA rights.

## Decision

In finding for the employer, the US District Court, Western District of Tennessee, stated that even though the employer knew that the employee was out for more than three days for tonsil surgery, the employee failed to provide evidence that the condition met the FMLA definition of a serious health condition and any medical documentation of the employee's inability to return to work as scheduled. Although the employee may have been incapacitated for three days because of his surgery, there was no record of evidence to indicate that the employee's post-surgical condition required two or more treatments by a health care provider or one treatment that resulted in a continuous treatment plan under the supervision of a health care provider. The employee failed to establish that he suffered from a "serious health condition" under FMLA guidelines. Additionally, the employee violated his probationary directives by not returning phone calls and failing to respond to his supervisor's repeated attempts to contact the employee.

If you have any questions, please contact Jerry Wittmer at 303-866-2523 or [jerry.wittmer@state.co.us](mailto:jerry.wittmer@state.co.us).

## FSA Short Plan Year Claim Filing Deadline October 15, 2005

Please make sure all employees are aware of the deadline to file Flexible Spending Account (FSA) Claims for the Short Plan Year (January-June, 2005). That deadline is October 15, 2005. **After the deadline, claims cannot be accepted and unused account balances will be forfeited.** If employees still have not received provider billing statements for Short Plan Year charges, they should contact their provider immediately to obtain those statements. IRS Rules and Regulations do not permit exceptions to or extensions of the claim filing deadline.

Eligible services must have been incurred between January 1, 2005, and June 30, 2005. Charges incurred

after June 30, 2005, may be reimbursed through the FY 2005-06 FSA, if you are properly enrolled. Information on the Short Plan Year FSA is available at: [colorado.gov/dpa/dhr/benefits/fsa.htm](http://colorado.gov/dpa/dhr/benefits/fsa.htm).

Claim forms are available online at [asiflex.com](http://asiflex.com), and may be faxed to ASI at: (573) 874-0425. Please do not wait until the last minute. File your claims as early as possible in order to avoid missing the deadline and forfeiting unused funds.

## Reporting Loss, from page 1

Departments are responsible for making replacement or repair arrangements and should do so as quickly as possible so as to minimize further losses. Insurance payments are made to the department by a COFRS transaction or warrant at the completion of the adjustment process, following risk management's receipt of a "closing letter" from the adjuster. In many cases, this will be AFTER completion of repairs or replacement of affected items, so department personnel must be mindful of state accounting rules related to receipt of these funds. A loss payment matrix is available from Risk Management or agency budget officers. Keep in mind that state law requires the agency to bear the first \$1,000 of the loss as a deductible, thus losses under that amount must be handled by the agency and need not be reported to Risk Management.

When in doubt about any part of the process, contact Betty Crist at [betty.crist@state.co.us](mailto:betty.crist@state.co.us) or the insurance adjuster.

## From C-SEAP, page 2

Naturally, all of us in state government hope that these services are needed only rarely, but C-SEAP is strongly committed to the availability of post-trauma services as a component of organizational assistance. If the need arises, managers and supervisors are encouraged to contact C-SEAP for one-on-one consultation or to initiate workgroup-level interventions, and as always, employees at any level may obtain confidential individual counseling services by contacting CSEAP at 303-866 4314 or 800-821-8154.

## PDQ Users

DPA/DHR has made a few improvements to the PDQ form by adding email addresses on the signature page, a note to remove the ADA definitions (last page), and reformatting the lines. Users are encouraged to start using the new form at their convenience. Both the PDF and Word versions are available on the DHR Web site, forms section.

# Employee's Personal Contact Information is Kept Safe

*Recently DHR become aware that HR Administrators were being asked by state employees responsible for continuity of government operations to provide normally confidential information, such as employee home contact numbers. In order to provide guidance to HR administrators, we checked into this request and received the following article prepared by the Division of Emergency Management. Please reassure employees that their contact information is secure and would only be accessed by authorized individuals carrying out their official duties.*

In 2004, the Governor's Office asked the Colorado Division of Emergency Management to begin reviewing the State's Continuity of Government (COG) Plan, which outlines how the state government will continue to function in case it is disrupted as a result of a natural disaster (tornado, fire, earthquake, etc.), technological hazard (power grid failure, gas line explosion, etc.), or terrorist incident. The COG Plan requires that all state departments develop a Continuity of Operations Plan (COOP), which details how that department will continue its critical and essential tasks.

Elements of the COOP include: establishing a formal chain of command; identification of alternate work sites; procedures for retrieving electronic files that have been "backed-up" and stored at a different location(s); and establishing "call down" lists to notify employees of the situation. This becomes the tricky part because some of this information is subject to the provisions of the Privacy Act of 1974. The call down lists, depending upon the Department/Division/Office, include a minimum of the employee's name and contact information. This information is stored electronically. Currently, the only individuals who have access to this information are:

a. Those individuals within the departments who have been designated as COOP administrators. In most cases, this involves at least two individuals; it all depends upon how the department has set up its organization.

b. Six individuals outside that department. Two are IT professionals who maintain the system. Three people are at the Division of Emergency Management and one is from the Governor's office; they have overall responsibility for the program. These six are the *only* people who have access to every department's plan. The system is set up where no one from Department A can see what is in Department B's files, without special permission. To verify this, ask your department's COOP administrator to pull up the program and only the file for that department will appear.

Especially for the departments, one of the key goals behind these plans is that when a disaster occurs, the information can be accessed by the above-designated individuals from work, home, or wherever an authorized individual can access the secure Web site. Keeping the staff informed supports our mission and is critical to the business of the State.

Also, as a point of clarification, we talk about departments here, but they are not the only ones developing or revising their plans. The Judicial, Legislative (House and Senate), and many of the Governor's separate offices are actively participating as well.

Thanks to Kerry Kimble, Operations Manager for the Colorado Division of Emergency Management for providing the above information. If you have further questions, please contact your department's COOP administrator, or you may contact Kerry at 720-852-6604 (email at [kerry.kimble@state.co.us](mailto:kerry.kimble@state.co.us)).

Business Risk & Loss Control Services is hosting a special, free luncheon to honor the 2005 Annual Risk Management Safety Award nominees. Winners will be announced at the luncheon on Thursday, October 27, 2005 on the Auraria Higher Education Center campus at the Tivoli. Space is limited. Please call 303-866-3848 to R.S.V.P.