

Employee Outreach Continues for Proposed Personal Leave Policy

The Department of Personnel & Administration has continued its outreach efforts for the proposed personal leave policy. To date, approximately 3000 employees have attended a variety of meetings conducted around the state. In addition, the Personal Leave Web site at www.colorado.gov/dpa/dhr/comp/personalleave.htm received more than 22,000 hits October through December. A complete roster of meetings and attendance numbers is also available on the Web site. The general response from employees has been positive. However, some employees continue to raise a few reoccurring questions. This communication is a synopsis of those questions in an effort to keep all employees equally educated on the proposed personal leave policy.

Is the State taking sick leave away from employees?

Employees will not lose the sick leave they currently earn each month (approximately 10 days per year). Under the proposed policy, the 10 days of sick leave will be combined with annual leave currently earned to become personal leave. Unlike the current sick leave policy that limits its use to certain circumstances, the proposed policy allows all employees to have equal access to all earned leave for whatever needs arise. In addition, combining the two types of leave into personal leave eliminates the need for the current .66 fraction, which is a result of the sick leave statute. This allows for an additional 4 hours of leave per employee, per year, as we rounded the accrual values up. This personal leave policy means employees earn the same *total* amount of combined annual and sick leave each year, *plus* a half day more.

To illustrate the increase in the amount of time an employee will earn under the proposed personal leave policy, an employee with 16 + years of service currently earns 21 days of annual leave per year (14 hours per month); and 10 days of sick leave per year (6.66 hours per month). Under the proposed policy, that same employee will accrue 31.5 days per year of personal leave (21 hours per month). Employees at or near the new maximums need to use more leave each year or risk losing any hours over the maximum, just like today.

Will employees lose any sick leave they have accrued?

Employees will not lose any accrued sick leave at the point of transition to personal leave. Any accrued sick leave hours that current employees have when the proposed policy takes effect will convert to a separate sick leave transition reserve until it is used or paid out upon retirement at 25 percent, which is the current payout.

The State is bearing the financial cost of what would have been labeled sick leave to allow employees access to all leave. This is not taking sick leave away from employees. Rather, the hours are redirected into personal leave for employees to use for any leave needs. Therefore, whether an employee is sick, or just needs a vacation, it all comes from the same personal leave they have accrued. In fact, the total amount of leave to use each year will be higher under the proposed personal leave policy, as opposed to the current separate annual and sick leave accruals, with the increase of an additional half day as illustrated in the examples below.

If a 16+ year employee saves leave and gets to the new proposed personal leave maximum of 392 hours, during any given year that employee would have 252 hours (31.5 days will be accrued each year for any 16+ year employee) to use for any reason without ever using the 392 hours of personal leave already accrued. Remember, employees continue to accrue personal leave, even if they are at the accrual maximum. Personal leave accrued over the maximum is only forfeited on

July 1 of each year, just like today. If the employee suffers a major illness in a given fiscal year, that employee will have the 392 hours in his or her personal leave bank, plus up to 252 hours earned during that year, for a potential total of 644 hours to use in that year. Any unused balance, up to the 392 hour maximum would still carry forward into the next year. This is in addition to the time an employee may have in the sick leave transition reserve.

A new employee (1-5 years) who is judicious and saves personal leave up to the new proposed personal leave maximum of 248 hours (31 days) per year, will have available up to 22.5 days (180 hours) earned that year plus the 248 hours in the personal leave bank in case of a major illness. That totals 428 hours to use in any given fiscal year. Even if that person takes a 2-week vacation each year, once getting to the maximum of 248, 348 hours are still available to use for the illness (428hrs – 80hrs = 348). This employee also carries forward any unused amount, up to the 248 hour maximum for 1-5 years of service.

What happens to Short-Term Disability Benefits?

As a further “safety net” in the event of a major illness, the short-term disability *benefit* that is 100% paid for by the State (60% salary replacement) will not be eliminated. Although the short-term disability leave for up to 180 *calendar* days is proposed to be eliminated, job protection will remain under the Family Medical Leave Act (FMLA) policy, which is 520 *work* hours or 13 weeks. Both leaves are unpaid, require one year of state service, and run concurrently. Remember that rule prohibits an employee from being separated for exhaustion of leave if any accrued paid leave remains. Even if leave is exhausted, other pieces of the “safety net” include PERA’s short-term disability benefits, unpaid leave, leave sharing, and optional long-term disability. The State’s current leave-sharing policy remains unchanged. We are aware that the proposed change in STD leave is a concern and the issue is currently under study.

When will the rules hearing on the proposed personal leave policy be scheduled?

DPA continues to hold meetings throughout the state, gather suggestions, and collect impact information from departments. All suggestions and comments are being considered. As soon as a hearing date is scheduled, HR offices will be notified and information will be posted on our rules Web site at www.colorado.gov/dpa/dhr/rules/rules.htm, as well as the Personal Leave Web site. If a decision is made to proceed with implementing the personal leave policy, departments will be given adequate notice in order to make changes to their internal processes. If you have questions, please email Joi Simpson at joi.simpson@state.co.us.