ARTICLE 1 - DEFINITIONS

P15-1-1 Definition. For the purposes of this chapter, exempt employees are defined as employees not covered under the minimum wage and overtime provisions of the Fair Labor Standards Act, as amended. Exempt employees are not eligible for overtime compensation. Non-exempt employees are covered under the Act, and are eligible for overtime compensation. For purposes of computing overtime, all agencies are considered as one employer.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

ARTICLE 2 - EMPLOYEES AND FLSA

P15-2-1 Covered Employees. All employees (including full-time, part-time, permanent and temporary employees) in the state personnel system are covered by provisions of the Fair Labor Standards Act (FLSA). Covered employees include both exempt employees (employees exempt from the minimum wage and overtime compensation provisions of the FLSA) and non-exempt employees (employees eligible for overtime compensation). Independent contractors, volunteers, bona fide trainees, and other persons who work only for their own interests are not considered employees under this chapter.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-2-2 Independent Contractors. Individuals who work for the State of Colorado and who meet the criteria listed in Procedures, Chapter 13 are considered independent contractors and are not covered by this chapter.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993)

P15-2-3 Volunteers. Persons who perform services in an agency for civic, charitable, or humanitarian reasons, without promise, expectation or receipt of compensation for services rendered, are considered to be volunteers. These individuals are not covered by this chapter.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-2-4 Trainees. Persons who meet the following criteria are not state employees. As bona fide trainees, these individuals are not covered by these procedures:
(1) the training, even though it includes actual operation of the facilities of the employer, is similar
to that which would be given in a vocational school;
(2) the training is for the benefit of the trainees;
(3) the trainees do not displace regular employees, but work under close observation;
(4) the employer that provides the training derives no immediate advantage from the activities of
the trainees and, on occasion, operations may actually be impeded;
(5) the trainees are not necessarily entitled to a job at the completion of the training period; and
(6) the employer and the trainees understand that the trainees are not entitled to wages for time
spent in training.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-2-5 Other Non-covered Employees. Other persons who are not covered by these procedures, and
may or may not be covered by FLSA are:

(1) those who are not under the state personnel system; and
(2) those elected officials, appointees of an elected official serving on a policy making level, or
immediate advisors to an elected official regarding the Constitutional or legal powers of the
official's office.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

ARTICLE 3 - MINIMUM WAGE

P15-3-1 Minimum Wage. All pay for a given work week or work period (defined later in the chapter) for
all covered employees must average out to the minimum wage established by the Fair Labor
Standards Act or more. A work week or work period is the basis for establishing a minimum wage rate.
Under no circumstances shall an agency average wages over several work weeks to satisfy the FLSA
minimum wage provisions.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

ARTICLE 4 - WORK WEEK AND WORK PERIOD

P15-4-1 Scheduling Work Hours. Executive directors, appointing authorities and/or supervisors have authority
to schedule work hours within the assigned work week and/or work day. If deemed necessary, an employee's
schedule may be varied (hours per day and/or days per work period), and the employee may be released from
work upon completing 40 hours in a work week. Appointing authorities may also disapprove and/or cancel
leave requests to minimize additional payroll liability.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-4-2 Work Week for General Employees. An established work week for all covered state employees shall
be 168 consecutive hours beginning at and including 12:01 a.m. each Saturday and ending at midnight Friday.
Deviations in the Saturday/Friday work week may be changed if the change is of a permanent nature. Requests
for changing the standard work week (e.g., for law enforcement employees, hospital employees and/or
employees with flex schedules) must be approved by the appointing authority or designee. Changes to an
established work week shall not be made to circumvent an agency's overtime liability. Affected employees must
be advised of any approved alternate work week designations, and a record of the work week change must be
kept.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-4-3 Work Period for Residential Health Care Employees. Employees working in hospitals and nursing
homes that offer residential care may use a 14-day work period as opposed to a seven-day work week, provided
that all of the following conditions are met:
(1) employees eligible for overtime compensation are paid overtime if they work more than 8 hours per day;
(2) hours worked exceeding 80 hours over a 14-day period are considered overtime; and,
(3) there is an agreement or understanding, preferably in writing, between employees and the employer for using the 14-day period for overtime purposes.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-4-4 Work Period for Law Enforcement and Fire Protection Employees. For those employees who are employed in law enforcement activities (including security personnel in correctional institutions) and in fire protection activities, a work period, instead of a work week, may be used. A work period refers to any established and regularly recurring period of work which cannot be less than 7 consecutive days nor more than 28 consecutive days (as shown below). The beginning and ending of the work period may be changed, provided that the change is intended to be permanent.

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(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

ARTICLE 5 - HOURS WORKED

P15-5-1 Work Hours. All full-time non-exempt employees shall work 40 hours within an established work week of 168 consecutive hours. Overtime does not accrue until after 40 hours are worked during the established work week (for law enforcement employees, see P15-4-4).

Non-exempt employees must be paid for all time during which an employee is required to perform principal activities or required to be on the employer's premises, on duty or at a prescribed work place. When employees are required or permitted to work, time spent performing such work is work time.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).
P15-5-2 Authorized Leave and Holidays: Only those positions determined to be essential by the executive director of the department or president of the college or university shall have a holiday or period of authorized leave of absence (unpaid or paid, including compensatory time off) counted as work time for purposes of determining overtime. Essential positions are those positions required to be on duty to perform the essential and/or emergency services of the agency without delay and/or without interruption. (Effective on an emergency basis July 1, 1994; Statement of Basis and Purpose adopted July 1, 1994. Effective on a permanent basis September 1, 1994; Statement of Basis and Purpose adopted July 1, 1994. Amended on a permanent basis effective May 1, 1995; Statement of Basis and Purpose adopted March 6, 1995).

P15-5-3 Preparatory and Concluding Activities. Time spent in preparatory and concluding activities which are an integral part of the principal activities assigned to employees is work time. For example, an employee working in a chemical plant is required to change into certain clothes on the employer's premises at the beginning and at the end of the workday. Time spent on changing into the required clothes is work time. Or, an employee is required to arrive early in order to be briefed before the employee's shift start. This briefing is an integral part of the employee's principal activity. Consequently, time spent on briefing is work time. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-5-4 Meal Periods. If an uninterrupted meal period of 30 minutes or more is granted during scheduled duty it is not hours worked. If a meal period is interrupted to the extent that the employee is not relieved of all duties, another meal period of at least 30 minutes may be granted to the employee or the meal time shall be considered as work time. It is not necessary that an employee be permitted to leave the premises if s/he is otherwise completely freed from duties during the meal period. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-5-5 Break Periods. Work breaks are not mandatory. Work breaks up to 20 minutes are counted as hours worked. Work breaks shall not be offset against other working time. Work breaks shall not be taken at the beginning or at the end of a work day, nor shall employees use work breaks to extend their meal periods. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-5-6 On-Call. On-call time is time when an employee is subject to being called back to duty but is not actually performing work. Usually, employees are off the working premises where they can freely spend the time for personal purposes. Employees only have to be available to be called back if the need arises. On-call time must be included in work time calculations if an employee’s on-call time is spent predominantly for the agency's benefit and the employee cannot spend the time for personal use.

The determination of whether an employee is working is based on the degree of restriction of free activity and not an the basis of where the employee is required to be. An appointing authority or designee must determine, on a case-by-case basis, if an employee's on-call time is work time or not. Factors to be considered for on-call time - may include the following: (1) the terms of the employment agreement, if any; (2) physical restrictions placed on the employee while on call; (3) the maximum period of time allowed by the employer between the time the employee was called and the time s/he reports back to work (response time); (4) the percentage of calls expected to be returned by the employee; (5) the frequency of actual calls during on-call periods; (6) the actual uses of the on-call time by the employee; and, (7) disciplinary actions, if any, taken by the employer against employees who fail to answer calls. Justification for including on-call time in work hour calculations must be kept. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-5-7 Sleep-In Time. An employee who is required to be on duty for less than 24 hours is working even though s/he is permitted to sleep. An employee who resides on the agency's premises on a permanent basis or for extended periods of time is not considered to be working all the time s/he is on the premises. This includes sleep time. The agency and employee may mutually agree to exclude compensation for sleep periods if the employee is required to be on state premises for 24 or more consecutive hours. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).
P15-5-8 Travel Time. There are several categories of travel time:

1. **Travel between home and work.** Time spent in ordinary travel from home to work and back in the course of one day need not be counted as hours worked. This applies regardless of whether the employee works at a fixed location (e.g., an office) or at different job sites (e.g., various customer locations), provided that employees are not required to work before leaving for the first job site or after the last job site.

2. **Emergency travel time.** If an employee receives an emergency call after regular working hours and is required to travel a substantial distance to perform a job away from the regular work site, all travel time is working time.

3. **Special one-day assignment travel time.** When an employee who regularly works at a fixed location is given a special one-day assignment in another city, travel time is compensable working time.

4. **Overnight travel time.** When an employee must travel away from home overnight, all time spent in such travel during hours corresponding to normal working hours, regardless of whether the day is a normal workday or weekend, must be counted as hours worked.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-5-9 Training and Meeting Time. Attendance at training programs, meetings, and similar activities need not be counted as working time if all four of the following criteria are met:

1. attendance is outside of the employee's regular working hours;
2. attendance is voluntary;
3. the course, lecture, or meeting is not directly related to the employee's job; and,
4. the employee does not perform any work during such attendance.

Some training programs may be directly related to the employee's job, and/or employees may be paid to attend the training. Voluntary attendance by the employee at such training outside of working hours would not be hours worked.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-5-10 Occasional or Sporadic Employment. Hours worked by an employee in performing part-time work shall be excluded in calculating overtime work if the part-time employment is (1) on an occasional or sporadic basis, (2) at the employee's option and, (3) in a different capacity from which the employee is regularly assigned.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-5-11 Volunteer Time. Volunteer time after work for a state agency where volunteered services are the same as regularly assigned shall be considered work time for overtime purposes.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-5-12 Fractional Hours. Employees must be paid for all time worked, including fractional hours. Time worked shall be recorded at the beginning or end of a scheduled work period in units of 15 minutes. Examples: 8 hours, 9 minutes is rounded to 8-1/4 hours; 8 hours, 36 minutes is rounded to 8-1/2 hours.

No agency shall regularly require employees to start work early and/or leave work late by less than 7-1/2 minutes in order to avoid paying for the 15 minutes.

(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

**ARTICLE 6 - OVERTIME ELIGIBILITY**

P15-6-1 Exemption Designation. Through Calendar Year 1994, the Director shall prepare a list of
all state classes indicating overtime eligibility. An executive director or designee shall conduct overtime eligibility review for all positions within the department. The determination shall be based upon the duties and responsibilities actually performed by an employee regardless of classification. Any deviation from the class overtime recommendation of the Department of Personnel shall be documented and filed. Determinations shall be entered into the Colorado Personnel/Payroll System (CPPS) or separate agency personnel payroll systems, if applicable.

Effective January 1, 1995, executive directors are responsible for determining whether an employee is exempt or non-exempt from overtime compensation. The determination shall be based upon the duties and responsibilities actually performed by an employee in a position regardless of class. If the executive director or fails to make this designation, the employee is considered to be non-exempt and eligible for overtime compensation. A copy of the position review for overtime eligibility must be kept. Determinations shall be entered into the Colorado Personnel/Payroll System (CPPS) or separate agency personnel payroll systems, if applicable. (Amended effective date July 1, 1994; Statement of Basis and Purpose adopted May 5, 1994).

P15-6-2 Executive Exempt Employees. An executive exempt employee must meet all of the following criteria: (1) the primary duty (50% of time) is managing an agency, department; or division; (2) is paid on a salary basis at a rate of not less than $250 per week; and, (3) supervises at least two full-time employees or the equivalent. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-6-3 Administrative Exempt Employees. An administrative exempt employee must meet all of the following criteria: (1) performs office or non-manual work directly related to management policies or general business operations of her/his employer or her/his employer's customers, or performs functions in the administration of a school system; (2) customarily and regularly exercises discretion and independent judgment; and, (3) is paid on a salary basis at a rate of not less than $250 per week. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-6-4 Professional Exempt Employees. A professional exempt employee must meet all of the following criteria: (1) primary work requires advanced education or does work that requires imagination, invention, or talent in a recognized artistic field; (2) customarily and regularly exercises discretion and independent judgment; and, (3) is paid on a salary basis at a rate of not less than $250 per week. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-6-5 Outside Salesman. An outside salesperson is one who is customarily and regularly engaged away from her/his employer's place of business in making sales, or obtaining orders and who does not spend more than 20 percent of the hours worked in a work week on the type of work performed by nonexempt employees, except for work which is incidental to her/his sales such as clerical duties, deliveries, collections, travel or attending sales conferences. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

ARTICLE 7 - AUTHORIZATION FOR OVERTIME WORK

P15-7-1 Authorization. The appointing authority or designee shall be responsible for approving overtime work. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-7-2 Unauthorized Overtime. An executive director shall develop a departmental policy which addresses unauthorized overtime work performed by non-exempt employees. A written policy prohibiting unauthorized overtime does not avoid overtime liability once it is incurred. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

ARTICLE 8 - DUAL EMPLOYMENT AND COMPENSATION

P15-8-1 Dual Employment. Dual employment refers to the situation where an employee works for
more than one agency. Such employment is subject to the approval of employing authorities.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-8-2 Overtime Eligibility. In order to determine if secondary employment needs to be included for overtime calculations, the three factors listed in P15-5-10 need to be evaluated. In addition, the method of payment from all employment needs to be considered. If the combined duties do not meet the exemption tests, P15-6-2 through P15-6-5, and the salary test, P15-10-1 and P15-10-2, all work time from all employment must be combined for overtime calculation.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-8-3 Implementation of Dual Employment. Implementation of dual employment requires a written agreement between the employee and the employing authorities which sets out the following:

(1) The period of dual employment, the amount or rate of pay, and the method by which the payment is made;
(2) The overtime eligibility determination based on combined duties;
(3) The agency responsible for paying the overtime premium involved; and,
(4) The overtime rate either regular rate from principal or secondary employment, or weighted hourly rate from both employment shall be used for overtime compensation.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

ARTICLE 9 - OVERTIME COMPENSATION

P15-9-1 Overtime Compensation. Overtime work must be paid at 1 1/2 times the employee's regular hourly rate. Averaging work hours over two or more work weeks is not allowed under the Act. Non-exempt employee shall not waive the right to overtime compensation.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-9-2 Cash Payment. Cash payment must be made as soon as practical. Overtime earned in a particular work week shall not be delayed beyond the employee's next regularly scheduled payday following the pay period in which the overtime was worked.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-9-3 Regular Rate. The regular rate of pay is the hourly rate of pay as published in the Annual Compensation Plan. For purposes of computing overtime, the regular rate must include premium pay.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-9-4 Compensatory Time Off. Compensatory time off in lieu of cash payment may be used provided that there is a prior agreement between an agency and an employee for compensatory time off. Compensatory time must be accrued at a rate of 1 1/2 hours of compensatory time for each hour of overtime work.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-9-5 Compensatory Time Agreement. Agencies must reach an agreement with current employees hired after April 15, 1986 for compensatory time payment. An agency does not have to adopt the same agreement or understanding with all employees. A record of this agreement must be kept. An employee's decision to accept compensatory time off in lieu of cash overtime payments must be made freely and without coercion or pressure. It is not necessary for an agency to reach an agreement with employees hired prior to April 15, 1986 who do not have a representative, provided that an agency had a regular practice of granting compensatory time off in lieu of overtime pay in place on April 15, 1986. For new employees, an agreement to accept compensatory time off in lieu of cash payment may be a condition of employment.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).
P15-9-6 **Compensatory Time Accrual.** A non-exempt employee may accumulate up to 40 hours of overtime (40 x 1 1/2 = 60 hours) equating to 60 hours of compensatory time at any given point in time. Any overtime worked in excess of this amount must be paid for in cash at the next regular pay period. Accumulated compensatory time must be taken within two months after the end of the payroll period in which the overtime was worked. Any accumulated compensatory time which is not taken within this time frame must be paid in cash at the next regular pay period. Exceptions to the compensatory time accrual limit and time frame for compensatory time use must be approved in writing by the Director. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-9-7 **Compensatory Time for Transferred Employees.** All earned compensatory time must be paid for in cash by the losing department when an employee transfers to another agency. No employee shall lose any earned compensatory time because of transfer or termination. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-9-8 **Compensatory Time Usage.** Non-exempt employees shall be permitted to use accrued compensatory time off within a reasonable period after a request is made. Exceptions may be made when such compensatory time usage will unduly disrupt the operations of an agency. Supervisors may schedule compensatory time off within the 60-day time frame in order to avoid cash overtime payment. Compensatory time off scheduled by supervisors shall be reasonable in order to maximize the utility of the paid time off for the employee to whatever extent is possible. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

**ARTICLE 10 - SALARY TEST FOR EXEMPT EMPLOYEES**

P15-10-1 **Salary Test.** An exempt employee must be paid on a monthly basis which is not subject to reduction because of variations in quality or quantity of the work performed. An exempt employee's pay shall not be reduced for disciplinary reasons unless the disciplinary action is taken because of infractions of safety rules of major significance. An exempt employee need not be paid for any work week in which no work is performed. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-10-2 **Pay Deduction.** Deductions made from an employee's salary for absences caused by jury duty, attendance as a witness, or temporary military leave will destroy exempt status and obligate an agency to pay at the rate of 1 1/2 hours for all hours in excess of 40 hours. Deductions from an employee's salary will not destroy exempt status when an employee is absent from work for less than a day or more for personal reasons, sickness or disability, and the deduction is made in accordance with a time-off plan or for any of the following reasons:

1. when a request for leave of absence of less than one day has not been requested or has been denied, and accrued leave is not used;
2. when accrued leave has been exhausted; or,
3. when exempt employees choose to use leave without pay.

Finally, exempt employees who have their pay reduced for absences resulting from furloughs, imposed for budgetary reasons, will still be considered to be paid on a salaried basis, except for the work week in which the furlough occurs and pay is reduced. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

**ARTICLE 11 - EXTRA COMPENSATION FOR EXEMPT EMPLOYEES**

P15-11-1 **Additional Work Hours.** An exempt employee is paid a salary for a job regardless of time spent. No extra compensation shall be granted to exempt employees for occasionally working extra hours. (Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-11-2 **Extra Compensation.** Under no circumstances shall an exempt employee be granted extra
time off on an hour-for-hour basis. However, there may be unusual situations in which an exempt
employee is required to work significant amounts of extra hours for an extended period of time. In such
an event, an appointing authority or designee may grant discretionary administrative leave to such an
employee as a gesture of appreciation and recognition.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

ARTICLE 12 - RECORDKEEPING

P15-12-1 Basic Records. FLSA
requires that certain payroll and time
records be kept for both exempt and
non-exempt employees. Agencies
must maintain these required records
in accordance with the provisions of
the Fiscal Rules.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-12-2 Certification of Work Time Records
Time records shall be certified by both the employee and supervisor. The certification shall attest to the
completeness and accuracy of time records submitted by the employee. The certified time record is
the record for overtime calculation and compensation. Employees who disagree with the information
may refuse to sign the time record, and must follow Article 13 to resolve any dispute.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

ARTICLE 13 - OVERTIME APPEAL PROCEDURES

P15-13-1 Matters Reviewable by the Director. The Director shall review overtime appeals including the
overtime eligibility designation of positions the counting and recording of overtime hours in assigned
work schedules, and the payment of overtime compensation (including the recording, use and payment
of compensatory time off) as defined in this chapter.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-13-2 Informal Resolution. Interested parties are encouraged to informally resolve issues of overtime
work, overtime compensation, and/or position eligibility with the employee's own agency. However, such
informal resolution does not negate an employee's right to appeal such issues to the Director nor extend the
time period during which such an appeal must be filed.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-13-3 Proper and Timely Filing. Appeals of overtime work, overtime compensation and/or position
eligibility shall be filed immediately upon knowledge of the appealed issues, but in no case shall the appeal
be accepted by the Director after two years of the date of the occurrence of the issue being appealed. Such
appeals must be sent to the Department of Personnel, 1313 Sherman Street, Denver, Colorado 80203. A
copy of the appeal must be mailed or delivered concurrently to all parties named in the appeal.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-13-4 Contents of the Notice of Appeal. The notice of appeal shall be in writing and contain the following:
   A. The full name, mailing address, telephone number of the person filing the appeal, and the current
      official class title.
   B. The name and the address of the supervisor and agency involved.
   C. A specific description of the action being appealed.
   D. A short and specific statement as to why the appellant believes the action taken was arbitrary,
capricious, or contrary to the Director's Administrative Procedures or FLSA.
E. A short and specific statement of the relief being requested by the appellant.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-13-5 Burden of Proof. The appellant has the burden of proving that the actions appealed were arbitrary, capricious, or contrary to Director's Administrative Procedures or FLSA.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-13-6 Acknowledgment of Notice of Appeal by Director. The Director shall acknowledge in writing to all interested parties the receipt of overtime appeals. The Director shall inform the appellant whether s/he will hear the appeal or delegate the appeal to a designee with knowledge of the FLSA.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-13-7 Eligibility of Persons to Serve as the Director's Designee for Overtime Appeals. The Director's designee for overtime appeals must have demonstrated experience working with or knowledge of the Fair Labor Standards Act of 1938, as amended, and Title 29 of the Code of Federal Regulations.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-13-8 Access to Information. Any parties named in overtime appeals filed with the Department of Personnel must provide, upon request and within 30 days, to the Director or the Director's designee any records or information deemed necessary for review of the appeals.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-13-9 Oral Statement. The Director or designee may elect to hear oral statements. All parties shall be notified that oral statement will be heard and that oral argument will be limited to matters related to the overtime appeal.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-13-10 Decision. The Director or designee shall issue a written decision within 120 days after receipt of the appeal. The action of the agency may be overturned only if it is found arbitrary, capricious, or contrary to the Director's Administrative Procedures or FLSA.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

P15-13-11 Judicial Review. Overtime appeals filed under the provisions of P15-13-1 of these procedures may not also be filed as a civil action in any state court without first having exhausted all administrative remedies provided in this chapter.
(Effective date July 1, 1993; Statement of Basis and Purpose adopted May 10, 1993).

Supporting Documents
Press the associated DocLink below to view the Supporting Document(s)