



Policies within this document have sustainability properties integrated as indicated in green font in the Table of Contents of this manual.

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## **SECTION 1 GENERAL AND ADMINISTRATIVE POLICIES**

### **NUMBER 1.1 Boulder County Policies**

The Boulder County Personnel and Policy Manual and related documentation are defined as follows:

- A. A policy establishes the organization's obligations as well as its beliefs, mission, priorities, goals and/or objectives. It is usually brief and has broad application. It is the "what" and the "why."
  - 1. An internal policy addresses county operations and county employees.
  - 2. An external policy guides the public who are attending county meetings/hearings and/or accessing county facilities and/or county services.
- B. A procedure sets forth steps and processes to accomplish a goal. It is more detailed than a policy, more narrowly focused, and more likely to change as needed. It is the "who," "when," and "how."
- C. Release notes identify any significant changes made to the current version of the policy and why the changes were made and is a substitute for track changes and redlining. Release notes can be compiled for an individual policy or by section.

Boulder County's policies, procedures, and release notes shall have a uniform format and shall be reviewed and revised as necessary. All policy revisions require BOCC approval in accordance with Section 1.2. Revisions to procedures and release notes do not require BOCC approval and are managed by the County Administrator in accordance with Section 1.2. Revisions to procedures and release notes do not require BOCC approval and are managed by the County Administrator, who may assign procedures to the County Administrator, Department Head, or Elected Official to maintain and revise as necessary. All policies, procedures and release notes will follow a consistent numbering scheme for ease of understanding how they relate.

Procedures are incorporated by reference into the correspondingly numbered policy and have the same force and effect as a policy.

## **SECTION 1 GENERAL AND ADMINISTRATIVE POLICIES**

### **NUMBER 1.2 Review Process for Boulder County Policies**

It is the policy of the BOCC that all Boulder County policies and procedures will be revised as outlined in the Procedure Manual.

## **SECTION 1 GENERAL AND ADMINISTRATIVE POLICIES**

### **NUMBER 1.3 Closure of Offices because of Inclement Weather or Declared Emergency/Notification Procedures**

County offices will be closed only in extreme emergency weather conditions as defined by the weather services accessed by the county, or in the instance of a declared emergency or disaster. A declared emergency/disaster is defined as a declaration of a state of emergency within Boulder County by the BOCC. Such closure will only occur by order of the BOCC and only by strict adherence to the closure procedures. This policy does not apply to the Twentieth Judicial District.

## **SECTION 1 GENERAL**

### **NUMBER 1.4 Building Naming Policy**

Naming buildings or parts of buildings, facilities or sites requires approval by the BOCC.

## **SECTION 1 GENERAL**

### **NUMBER 1.5 Authority to Direct County Operations**

The statutes of the State of Colorado provide that the BOCC, other Elected Officials, and the Public Health Administrator have the authority to direct county operations in each of their respective offices. Included in this authority is the power for the BOCC, other Elected Officials, and the Board of Health to appoint and dismiss, at their pleasure, all department directors, and other individuals directly appointed by Elected Officials.

All Boulder County employees are under the provisions of Section 6 in this manual, unless an Elected Official has filed specific exceptions to provisions of those chapters which have been approved by the BOCC as a function of its authority over the county budget and over the approval of salaries. Copies of the Elected Official's Personnel Manual or exceptions are on file in HR. The Public Health Administrator, while not appointed by the BOCC, must also work within the confines of this manual.



## **SECTION 1 GENERAL**

### **NUMBER 1.6 Fully Inclusive, Anti-Racist & Multicultural Organization**

In Boulder County, race matters. We center race in our equity work because we know historically and currently, race is the biggest predictor of disproportionate outcomes and disparities in the United States of America. Good government is impossible without racial equity. In 2018, the Board of County Commissioners with the full support of county and racial equity leadership, made transformational racial equity one of the county's strategic priorities.

The future vision of this institution is one that has overcome systemic racism and all other forms of oppression. The recognition of the impact of racism on the need for intentional efforts toward eliminating racism is foundational to transformational equity work. To that end, Boulder County's institution of government will reflect full participation and shared power with diverse racial, cultural and economic groups in determining its mission, structure, constituency, policies and practices. A place where members of all identity groups are full participants in decisions that shape the institution for full inclusion of diverse races, cultures, lifestyles and interests.

The result is healing within the workplace and employees; a place of alliance in combating all forms of social oppression. A Boulder County where we humbly work with larger communities (regional, national, global) to eliminate all forms of oppression and assist in creating fully inclusive, anti-racist and multicultural organizations everywhere.

Everyone's humanity in the institution and community matters. For everyone's humanity to matter, first the organization and persons within it must recognize that historically and currently, anti-Blackness and anti-Indigeneity is causing harm. Sincere efforts must be made to identify, stop and repair the harm.

Everyone in Boulder County government shares a responsibility to actively contribute to the liberation of all people, especially those who have been historically and structurally marginalized and oppressed.

As a government institution, it is our moral responsibility to interrupt institutional racism which manifests through racist laws, policies, practices and behaviors. In order to advance racial equity, we must practice transformational racial equity within our own governmental organization and within ourselves.

It is the responsibility of all county department directors and elected officials to ensure with integrity and fidelity that this policy is articulated to each employee within their supervision. It is expected that all employees endeavor to develop the will, knowledge, skill and capacity consistent with this policy. It is expected that

everyone practices and exhibits transformational racial equity with honesty, open-mindedness, and willingness as we build for eternity.

## **SECTION 1 GENERAL**

### **NUMBER 1.7 Sustainability**

Boulder County's leaders and employees have long held a commitment to stewardship of our land, environment and community. The Boulder County Commissioners believe that by prioritizing environmental sustainability, we can achieve higher economic vitality in our communities, ensure cleaner air and water for the well-being and public health of residents, and combat major environmental issues, such as climate change. By striving to become as environmentally sustainable as possible, we are supporting myriad human and environmental benefits for our county and beyond. To ensure Boulder County's operations and decision-making reflect our commitment to environmental sustainability, Boulder County employees reflect these core values at work by behaving in environmentally responsible ways, (as highlighted by several policies throughout the personnel manual.)

## **SECTION 1 GENERAL**

### **NUMBER 1.8 Zero Waste**

Policies within this document have sustainability properties integrated as indicated in green font in the Table of Contents of this manual.

It is the policy of the BOCC that Zero Waste is a guiding principle for all Boulder County operations. Boulder County offices/departments and agencies should model best practices for responsible purchasing, waste reduction, reuse of materials, and resource conservation, in order to minimize landfill disposal and the carbon footprint of county government activities, programs, and services. Boulder County government will achieve Zero Waste generation (or darn near) by 2025.

To meet these ends, all county employees, offices/departments and agencies are required to reduce, reuse, recycle, and compost to the maximum extent possible and practicable and make purchases in accordance with the county's environmentally-preferrable purchasing policies.

- A. "Zero Waste" is a material-management strategy modeled on the waste-free and self-sustaining systems seen in nature. It advocates eliminating waste as much as possible and viewing the remaining "discards" as important resources to be returned to the market place through recycling, or to nature through composting.
- B. Reducing and Reusing

All county employees, offices/departments and agencies shall utilize ways to:

1. Reduce purchases of goods.
2. Reduce waste generation.
3. Reuse goods prior to discarding for recycling, composting, or landfill disposal.
4. Use reusable food service items (instead of buying compostable type) when practicable for smaller events and where dishwashers are available.

### C. Recycling and Composting

All county employees, offices/departments and agencies are required to correctly utilize in-house collection programs for recyclables and compostables in line with details, guidelines and directions provided in the procedures.

### D. Electronic Waste

It is the policy of the BOCC to promote responsible recycling or end-of-life disposal of all electronic waste.

#### Management by the Resource Conservation Division

The Boulder County Resource Conservation Division Manager or designee can authorize and/or conduct and inspect any county facility regarding storage, collection and recycling of electronic waste.

Electronic Waste Recycling and Disposal. Each office/department is responsible for:

1. Utilizing the county's quarterly e-waste collection service for any broken/unusable/non-functional electronics. Unwanted/unneeded electronics that are still usable/functional should go through Procedure for Disposal of Computer Equipment or Surplus depending on item analysis by I.T.
2. Coordinating with Resource Conservation Division staff to arrange for collection of electronic equipment for recycling if a special need arises between round-ups.
3. Recycling all printer/toner cartridges either through the E-Waste Round-Up events or through an approved vendor, and requiring that any outside vendors record weights for all materials recycled. All diversion data must be provided to the Resource Conservation Specialist per policy 2.30.L.
4. Recording weights for any electronic waste given to county employees for home use, donated, or otherwise disposed of not through the Resource Conservation Division, including through #Surplus procedures.

E. Hazardous Materials and Waste

F. Confidential Documents and Media Recycling and Disposal

In accordance with Boulder County's Zero Waste resolution and policies, all unwanted documents produced by Boulder County departments and offices will be recycled rather than shredded in all cases, except where documents contain personal identifying information and other sensitive information.

For purposes of this policy, personal identifying information and other sensitive information shall mean:

- a. a social security number
- b. a personal identification number
- c. a password, a pass code
- d. an official state or government-issued driver's license or identification card number
- e. a government passport number
- f. biometric data
- g. a financial transaction device
- h. date of birth
- i. financial information

The term "Media" includes videocassette tapes, film, microfiche, 3.5" floppy disks, CD-ROMs, DVD-ROMS, and other electronic recording devices.

G. Hard-to-Recycle Items

All county employees, offices, agencies and departments are required to correctly utilize in-house collection programs for hard-to-recycle items, including:

1. Plastic pens, mechanical pencils, markers, highlighters and caps;
2. #6 hard block Styrofoam;
3. Plastic bags;
4. Bubble wrap; and
5. Durable plastic.

See Zero Waste Procedure for how to properly dispose of Hard-To-Recycle Items.

## H. Paint Recycling

1. All county employees, offices, agencies, and departments are required to properly recycle their paint at the county's Hazardous Materials Management Facility (HMMF). A business appointment must be scheduled with the HMMF.
2. All interior surfaces that require latex paint shall be coated using a low-VOC paint which is typically less than 50 grams of VOC content per liter or a zero-VOC paint which typically has fewer than 5 grams of VOC content per liter. Under certain site conditions, recycled paint may be used at the discretion of the BCBS Manager.
3. All paint colors used on the interiors of all BC buildings are from an established pre-approved limited color palette. The limited color palette is intended to reduce waste, promote reuse of a limited stock and limit the need to store excess painting products. Application of all interior painting is set forth in BC Personnel Manual Section I, Number I.21 Building Alteration & Remodeling Policy.

## I. Battery Recycling

All county employees, offices, agencies, and departments are required to properly recycle their batteries through the quarterly e-waste round-ups or by making an appointment at the HMMF or by using an approved vendor.

All county employees, offices, agencies, and departments should consider and utilize ways to implement the use of rechargeable batteries instead of single-use batteries. Reach out to Resource Conservation Division for help with transitioning to re-chargeables.

See Zero Waste Procedure for instructions on how to properly recycle batteries.

## J. Zero Waste Contractors

Any contractor utilized by the county must divert any divertible material generated by contractor and/or by the contracted project. See the list below for examples of divertible material.

All county employees, offices, agencies, and departments are prohibited from disposing of waste through any outlet not expressly approved of by Resource Conservation Division and the Purchasing Division.

All hazardous waste shall be disposed of following all state and federal standards. Hazardous materials accepted by the county's Hazardous Materials Management Facility (HMMF) will be transported there, by appointment only. All county employees, offices, agencies, and departments are responsible for using contractors that have been approved by Resource Conservation Division and the Purchasing Division for the following zero waste services, including:

1. Construction and Demolition materials recycling service
2. Recycling service
3. Compost service
4. Trash service
5. Electronic waste (e-waste) recycling service
6. Yard and wood waste chipping and composting
7. Dimensional lumber
8. Scrap metal recycling
9. Textile recycling
10. Hard-to-recycle service
11. Medical waste
12. Confidential document shredding and recycling and
13. Hardcover book recycling service.

#### K. Zero Waste Trainings

All county employees and representatives of agencies working in county buildings are required to take zero waste training within the first month of employment to learn about the requirements of the county's zero waste program. Online zero waste trainings will then be required on an annual basis. Resource Conservation Division can provide in-person zero waste training as requested to replace or supplement online training.

#### L. Waste Diversion Reporting

All county offices/departments and agencies are required to report annual waste and diversion data resulting from county operations that is not already captured via the contracts in Section I above to the Resource Conservation Specialist, that will be used to measure progress towards reaching the county's zero waste goal. Data must be recorded in weight (not just volume/quantity) and include any relevant receipts or tickets for non-County disposal outlets. This includes tracking of any instance of material originally destined for disposal that was instead reused or repurposed in any way.



## **SECTION 2 DELEGATION**

### **NUMBER 2.1 Fees**

It is the policy of the BOCC that any office/department providing services offered for which fees should be charged may apply to the BOCC for consideration of such fee schedules, except as found in Colorado Revised Statutes which pertain to particular fees sought to be charged.

## **SECTION 2 DELEGATION**

### **NUMBER 2.2 Delegation to Assessor's Office to Settle Abatement Petitions and Appeals from the Board of Equalization**

#### **Abatement Proceedings**

Pursuant to C.R.S. §39-1-113(1.5) the Boulder County Assessor's Office shall review all petitions for abatement or refund of property taxes, and may settle by mutual agreement with the taxpayer any such petition when the amount of the tax refund is \$10,000 or less per tract, parcel or lot of land or per schedule of personal property. In all cases in which the tax refund is more than \$10,000 per tract, parcel or lot of land or per schedule of personal property, the Boulder County BOCC shall retain the final authority to decide upon the proposed settlement and shall be notified through consent agenda in a business meeting. If discussion is needed the matter will be postponed to a future business meeting, but respecting the six-month time limit to act on the petition contained in C.R.S. §39-1-113(1.7).

#### **Appeals from the Board of Equalization (BOE)**

All Board of Assessment Appeals, arbitration and District Court settlements are delegated to the Assessor. For any cases where the property was valued by the Board of Equalization at \$20,000,000 or more and the proposed stipulation would result in a 10% or greater change in value, the Assessor and County Attorney's Office will send a written notice to the BOCC ten days in advance of executing the stipulation to allow the BOE to ask questions either in writing or by scheduling a meeting; this is an internal process (not a business meeting). In the unlikely event that the BOE does not agree with the recommendation of the Assessor and County Attorney's Office, an outside appraiser may be consulted.

This policy shall also apply to abatement appeals to the BAA in which the actual value of the property is \$20,000,000 or more and the proposed stipulation would

result in a 10% or greater reduction.

## **SECTION 2 DELEGATION**

### **NUMBER 2.3 Delegation to the Treasurer's Office to Settle Bankruptcy Matters**

The Treasurer's Office may settle by mutual agreement with the taxpayer/debtor, trustee, creditors' committee, or other applicable entity in a bankruptcy action, all matters except cases in which the base tax amount in dispute, exclusive of any interest or fees, is more than \$100,000 and the proposed settlement results in more than a 20% change in payment from the base tax amount. In all cases in which the base tax amount in dispute is more than \$100,000, where the settlement would result in more than a 20% change in payment from the base tax amount, the BOCC shall retain the final authority to decide upon the proposed settlement.

## **SECTION 2 DELEGATION**

### **NUMBER 2.4 Property Valuation Proceedings Rule**

It is the policy of the BOCC that rules of procedure shall apply to property valuation proceedings set forth before the BOCC and Board of Equalization (BOE).

## **SECTION 2 DELEGATION**

### **NUMBER 2.5 Coordination of Staff Time and Work on Legislative Policies and Issues**

The final determination of Boulder County policy relating to legislative issues at a federal or state level shall rest with the BOCC.

## **SECTION 2 DELEGATION**

### **NUMBER 2.6 Sponsorship Policy**

A sponsor is defined as any business or organization that makes a financial, volunteer, or in-kind contribution to the county to underwrite or support a county event or program and receives promotion and/or access in return.

Terms of sponsorship must be outlined in a written agreement by the office/department entering into the agreement and should include sponsorship duration and financial considerations.

Upon acceptance of the written agreement, use of sponsor logos may be used on county materials and media at the discretion of the office/department entering into



the sponsorship agreement. This includes, but is not limited to, placement of logos on the county website, including a hyperlink from the logo to the website of the sponsor organization. Any hyperlinks must follow the county website linkage policy.

## **SECTION 2 DELGATION**

### **NUMBER 2.7 Zero Waste and Healthy Menu Meetings and Events**

It is the policy of the BOCC that all county meetings and events are conducted in a manner that follows Zero Waste and healthy eating best practices.

#### **A. Zero Waste meetings and events**

“Zero Waste” meetings and events are meetings and events that create virtually no waste through:

1. Using reusable, compostable or recyclable food services items.
2. Providing access to and requiring use of convenient composting and recycling collection containers and services.
3. Educating attendees on proper recycling and composting practices.
4. Purchasing the appropriate amount of food to avoid food waste.

#### **B. The following circumstances require zero waste:**

1. All meetings and events serving food and/or drinks (catered or otherwise) in county-owned or leased buildings, and leased buildings that have zero waste collection in place.
2. All county-sponsored meetings and events serving food and/or drinks (catered or otherwise) in private buildings or facilities (or in leased buildings that have not been converted to the zero waste collection system).
3. All events for which Boulder County issues a permit, contract, lease or other agreement for the use of county property (i.e. courthouse lawn, fairgrounds, parking lots, etc.) when material waste is generated. Supporting policies for use of these facilities can be found in policy 1.9, County Grounds and/or Buildings and in policies of the Boulder County fairgrounds, and for special events occurring on county roadways.
4. Leased county-owned buildings and property will contain this policy language or similar encouragement of zero- waste events in any contractual agreements and the contracts may include fines for non-compliance.
5. Contracts and permits for meetings and events organized or held on county property by entities other than county staff contain this policy language or similar encouragement of zero waste events. Contracts, including catering contracts, may be worded to require zero waste services, meetings and events and to include fines for non- compliance.

C. Healthy meetings and events:

“Healthy” meetings and events are meetings and events that support healthy eating through:

1. Increasing the availability of healthy options, such as whole grains, fruits, and vegetables.
2. Ensuring that tap water is available at all meetings and events. When possible, provide filtered tap water.
3. Ensuring that dietary restrictions are considered when purchasing food.

D. Healthy meetings and events will be conducted as follows:

All meetings and events where Boulder County employees, interns, and volunteers will be using Boulder County funding (including grants and contracts funding) to provide food and beverages to staff, clients, guests, and the public will be conducted as healthy meetings and events. This policy does not apply to individual client meetings that are held outside of Boulder County offices.

E. The EO/DH are responsible for:

Ensuring all meetings and events conform to this policy.

That meeting attendees are sufficiently aware of zero waste meeting requirements and correctly use collection containers provided.

That staff purchasing are sufficiently aware of healthy meeting requirements.

## **SECTION 2 DELEGATION**

### **NUMBER 2.8 Healthier Vending**

This healthier vending policy supports a culture of wellness and healthier lifestyles for all county employees and visitors to county facilities and requires that vending machines offer a variety of food and beverage choices including sugar free options. The policy applies to all vending machines and vending items available in any space or facility that is owned, leased, or operated by Boulder County.

## **SECTION 2 DELEGATION**

### **NUMBER 2.9 Settlement Authority**

It is the policy of the BOCC to delegate authority to the Risk Manager for limited settlement authority on claims brought against the county. The settlement authority limit for the Risk Manager shall be for no more than \$500,000. The Risk Manager will confer with the County Administrator on all settlement issues. In addition, the Risk Manager will also coordinate with the CA Office for settlement on all liability claims within this limit and/or any claim involving litigation. Further, the CA Office is authorized to investigate and respond to notices of claims filed pursuant to

C.R.S. §24-10-109 and may advise the BOCC on claims in executive session.

## **SECTION 2 DELEGATION**

### **NUMBER 2.10 Mailing and Printing Services**

It is the policy of the BOCC that, when feasible, in-house mailing and printing services shall be used by offices/departments, except when the printing job is beyond the capability of the IT Mailing and Printing Division, and/or the deadline cannot be met because of work already scheduled. In these cases, the printing services may be taken to a private vendor.

Boulder County printing services are available to all county offices/departments.



## **SECTION 3 COMPLIANCE**

### **NUMBER 3.1 Americans With Disabilities Act**

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), Boulder County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** Boulder County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the Americans with Disabilities Act (ADA).

**Effective Communication:** Boulder County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Boulder County programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** Boulder County will make all reasonable modifications to policies and programs to ensure that people with

disabilities have an equal opportunity to enjoy all Boulder County programs, services, and activities. For example, individuals with service animals are welcomed in Boulder County offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a Boulder County program, service, or activity, should contact the ADA Coordinator as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require Boulder County to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Complaints that Boulder County program, service, or activity is not accessible to persons with disabilities should be directed to the ADA Coordinator:

Julia K. Larsen  
Human Resources Director  
2025 14th Street  
Boulder, CO 80302  
Phone: 303-441-3589  
Email: [jlarsen@bouldercounty.org](mailto:jlarsen@bouldercounty.org)

Boulder County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

## **SECTION 3 COMPLIANCE**

### **NUMBER 3.2 Head Start**

Boulder County Head Start (BCHS) is co-governed by Boulder County Commissioners and Policy Council, as required by the Head Start Program Performance Standards (HSPPS) and Head Start Act (HSA). In compliance with these legislative requirements, the program maintains and annually updates Policy Council by-laws. Additionally, as required by Colorado Department of Human Services Child Care Licensing Division Rules and Regulations, the program maintains and annually updates Staff and Parent Handbooks. All BCHS employees are required adhere to all requirements from HSPPS, HSA, Licensing Rules and Regulations and any additional policies outlined in the staff handbook.

The majority of BCHS staff maintain alternative work schedules aligned with Boulder Valley School District school year schedules. Staff with nine-, ten-, and eleven-month schedules follow all school district holiday closures and are not eligible for vacation time.

## **SECTION 3 COMPLIANCE**

### **NUMBER 3.3 Immigration Enforcement**

It is a principle of the Boulder County Commissioners to support the safety and well-being of all individuals in Boulder County, irrespective of race, ethnicity, national origin, immigration status, gender identity, gender expression, sexual orientation, socio-economic background, political affiliation, age, religion, body shape, size, and ability. Likewise, Boulder County vigorously defends the privacy of confidential information of individuals in the county. With these values in mind, coupled with the complexity and ongoing changes to immigration laws, the Commissioners adopt the following policies to best serve the people of Boulder County:

#### **A. Access to Immigration-Related Records**

Under no circumstances shall a county employee provide confidential Immigration status, country of origin, citizenship status, or other immigration-related records or information obtained in the course of one's employment, to any federal agent, including but not limited to Immigration and Customs Enforcement (ICE) agents, Customs and Border Protection (CBP) agents, Department of Homeland Security (DHS) agents, or Homeland Security Investigations (HSI) agents, without prior authorization from the County Attorney's Office. All requests for records or information shall be forwarded to the County Attorney's Office. Additionally, no county employee shall inquire about the immigration status of an individual, except where required by law. If it is unclear to an employee whether they are required to ask about an individual's immigration status, that employee shall contact their supervisor or the County Attorney's office for authorization. No information shall be provided by the Office of the County Attorney without a judicially signed warrant, except where required by law, such as 8 U.S.C. §1373 and 8 U.S.C. §1644.

## **SECTION 3 COMPLIANCE**

### **NUMBER 3.4 Drug-Free Workplace**

In order to comply with the Drug-Free Workplace Act of 1988, the county adopts the following policy which shall be distributed to all county employees who work in programs funded by such federal contracts or grants ("covered employees").

The unlawful manufacture, distribution, dispensation, possession, or use of controlled substances is prohibited in the covered employee's workplace. The covered employee's workplace shall include all County premises, work sites, and locations where the employee is present during working hours. Any covered employee who violates this section shall be subject to discipline, up to and including termination, and may be required to complete a drug abuse assistance or rehabilitation program approved by the county.

As conditions of employment, all covered employees must: (a) abide by the terms of this policy and (b) notify HR if they are convicted of manufacturing, distributing, dispensing, using, or possessing any controlled substance in the workplace (or plead guilty or nolo contendere to such charges) no later than five (5) days after such conviction or plea. The county shall notify the federal government contracting agency or granting agency, which has provided funds for the particular program in which the covered employee is working of the conviction within ten (10) days after receiving actual notice of such conviction.

The adoption of this policy and enforcement of this policy shall indicate the county's good faith effort to maintain a drug-free workplace.

## **SECTION 3 COMPLIANCE**

### **NUMBER 3.5 Storm Water Quality Compliance**

It is the policy of the BOCC to prevent or reduce polluted runoff from the county departments, drainage system, facilities, and properties and to protect and enhance the water quality of Boulder County's watercourses and waters of the state from pollution.

Boulder County is required to meet water quality requirements mandated by the Colorado Department of Public Health and Environment (CDPHE) and Environmental Protection Agency (EPA) to ensure compliance with the county's Municipal Separate Storm Sewer System permit and the broader Colorado Water Quality Control Act (C.R.S. §25-8-101, et seq.).

## **SECTION 3 COMPLIANCE**

### **NUMBER 3.6 Capitalization Threshold for Financial Statement Reporting Purposes Only**

- A. The capitalization threshold for financial statement reporting purposes only is set at \$10,000 for equipment.
- B. The capitalization threshold for buildings, land improvements, and infrastructure is set at \$50,000.
- C. The capitalization threshold for land and land rights is set at \$0 and up.
- D. The capitalization threshold for purchased or internally developed software is set at \$50,000.
- E. The capitalization threshold for federally funded equipment is set at \$5,000

- F. The county does not capitalize collections of art or historical treasures as they are held for public exhibition and not financial gain.

## **SECTION 3 COMPLIANCE**

### **NUMBER 3.7 Fiscal Policies**

It is the policy of the BOCC that the long-standing principles, as outlined herein, will be followed by all county offices and departments. These principles have guided the county in the past and allowed it to maintain its financial stability even during downturns in the economy.

## **SECTION 11 FINANCE/BUDGET/PURCHASING**

### **NUMBER 3.8 Fund Accounting**

Boulder County, like other state and local governments, uses fund accounting and spending agency appropriations to ensure and demonstrate compliance with finance-related legal requirements.

Fund accounting is used as a control to segregate financial resources and ensure that the segregated resources are only used for their intended purposes. All of the funds of Boulder County can be divided into two categories: governmental funds, proprietary funds, and fiduciary funds.

#### **A. Governmental Funds**

Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. Boulder County maintains many individual governmental funds. -

1. General Fund: To account for all financial resources except those required to be accounted for in another fund. -
2. Special Revenue Funds: To account for the proceeds of specific revenue sources (other than expendable trusts or for major capital projects) that are legally restricted to expenditures for specified purposes. -
3. Capital Projects Funds: To account for financial resources to be used for the acquisition or construction of major capital facilities or capital projects & replacement (other than those financed by proprietary or special revenue funds)
4. Debt Service Funds: To account for the accumulation of resources for and the payment of, general long-term debt principal and interest
5. Proprietary Funds - Boulder County maintains two types of proprietary funds, Enterprise funds and Internal Service funds.
  - a. Enterprise Funds are used to report functions presented as business type activities in the government-wide financial statements. Boulder

County has two enterprise fund, the Recycling Center fund and the Eldorado Springs Local Improvement District.

- b. Internal Service funds include Fleet Services and Risk Management
- c. Appropriations - Specific appropriations are also used as a control to segregate financial resources, set spending limits on expenditures for spending agencies and to segregate the budget for management purposes

It is state law and the policy of the BOCC that no contracts may be made or liability against Boulder County be created by any county official or department head that would cause the legally adopted fiscal year appropriation to be exceeded.

## B. Appropriations

The expenditure budget is defined by a number of appropriations. An appropriation is a sub-set of a Fund. 2. Budget controls are established at the appropriation level. Legal Appropriations are defined by the appropriating resolution, one of three adopting resolutions passed by the

1. Level of Budgetary Control – the measurement of budget performance and legal spending limits shall be established as follows;
  - a. The Resolution to Appropriate Sums of Money is the legal resolution that sets spending limits for all Boulder County spending agencies by specific Object Classification. Once appropriations are approved by the BOCC, no spending agency may expend, or contract to expend, any funds in excess of the amount appropriated in the appropriation resolution without an amendment to the budget.

Budgetary control for the ensuing year's budget shall be specified in the Appropriation Resolution or, if the current year's budget has been amended, in a Amendment presented at a Business meeting and the annual Budget Amendment Resolution document.

The level of budgetary control for each spending agency shall be the Object Classification set in the annual budget adoption resolution total costs

*The BOCC shall have the right to adopt appropriations for a spending agency with alternative levels of control as needed to assure that expenditures are used for the intended purposes.*

Control of each Object Classification is maintained for each spending agency level in the General Fund and at the fund level in all other funds. All appropriations lapse at fiscal year-end.



C. BOCC when the current year's budget is adopted.

1. Legal appropriations can be changed (either increased or decreased), or deleted, or may be added, at any time throughout the fiscal year. This requires that a quorum of the BOCC pass a motion at a business meeting, and a resolution be passed by the BOCC authorizing the change.
2. All requests for appropriation changes for whatever reason are reviewed by Budget Director Office staff, and approved by the BOCC.
3. Financial controls are to be in place within the accounting system to prevent expenditures exceeding appropriations. Exceptions can be made for account lines such as depreciation, and must be approved by the Budget Director prior to implementation.
4. Monitoring and control of the appropriations is a shared responsibility. The EO/DH, their designated representatives and Budget Office staff are responsible for reviewing budgets and expenditures on a regular basis, and taking action as needed.

D. Accounting structure within an appropriation.

Each appropriation shall have at least one cost center.

1. Each cost center will contain at least one account (object), a part of the county's chart of accounts that is maintained by Financial Services.
2. A series of congruous accounts (objects) shall be defined as personnel accounts, and another contiguous range of accounts (objects) shall be defined as operating accounts.

In the General Fund, unless otherwise defined in the appropriating resolution, all personnel and operating accounts shall be in two distinct appropriations, with separate budget controls for each.

E. Unrestricted Fund Balance

Boulder County will maintain an emergency reserve (contingency fund) in an amount equal to three percent of fiscal year spending in accordance with the provisions of Article X, Section 20 of the State Constitution (Tabor Amendment).

Boulder County will budget a minimum year-end available General Fund balance of no less than two months of the adopted General Fund operating expenditure budget. The calculation of ending available General Fund-fund balance available to meet this minimum requirement shall include: 1) all unrestricted fund balance categories as defined by GASB Statement No. 54, which includes Committed, Assigned and Unassigned fund balances; 2) the restricted TABOR emergency reserve (Reference XI.6.D.1); and 3) fund

balances restricted to use for emergency response in the Flood Recovery Sales Tax Fund.

F. Designation of General Fund Balance

The General Fund unrestricted balance shall not fall below approximately two months' worth of all regular operating expenditures. For the purposes of this requirement, "unassigned fund balance" shall be defined in accordance with governmental accounting standards. "Regular operating expenditures" is defined as total general fund expenditures plus transfers out less significant and extraordinary one-time expenditures. One-time expenditures do not include such things as transfers for non-emergency capital projects or non-emergency support to other county funds. Should the General Fund balance fall below this level, resources will be dedicated to replenishing it within two years.

G. Minimum fund balances for other funds shall be maintained as follows:

1. The Social Services Fund balance will be no less than two months of the adopted operating expenditure budget.
2. The Road & Bridge Fund balance and the Capital Expenditure Fund balance will be budgeted depending on the cash flow requirement of the projects.
3. The remaining property tax funds (Developmental Disabilities, Health and Human Services and Temporary Safety Net) will maintain minimal fund balances.
4. Enterprise Funds (Recycling Center and Eldorado Springs LID) will maintain a fund balance that is adequate to supply working capital that best fits the conditions of each fund.
5. All other funds will maintain sufficient fund balances to ensure adequate resources for future operations.

The BOCC can adjust the minimum level of fund balances at its discretion, to allow the county flexibility during a time of economic downturn. This policy of allowing the fund balance to fluctuate is necessary because of the two year property tax assessment cycle that influences our property tax revenue changes. Fund balance may be used to mitigate property tax fluctuations for no more than four years in cases where the revenue is forecasted to recover in that time frame.

The minimum fund balance in the General Fund will provide stability and fiscal health for the county. Adequate fund balances reflect well to credit agencies to attain desirable bond ratings that will keep the cost of government borrowing low. Unrestricted fund balances help to mitigate the following factors:  
Volatility of revenues and fluctuations of expenditures

Significant one-time outlays and extreme events  
Commitments and assignments for a specific purpose

If the available fund balances fall below the minimum levels, then fund balance replenishment will become a financial management priority. It is important to replenish available fund balances in a timely manner. Sources for replenishment could include nonrecurring revenues and year-end surpluses. Ongoing operating expenses shall be controlled to match the ongoing revenues and not depend on fund balance usage for the long term. Budgeting a structural deficit is not consistent with a sustainable fiscal policy.

## **SECTION 3 COMPLIANCE**

### **NUMBER 3.9 Post Issuance Compliance**

It is the policy of the BOCC that there is a commitment to provide timely and consistent dissemination of financial information in accordance with Securities and Exchange Commission (“SEC”) Rule 15c2-12 (the “Rule”) and the county’s continuing disclosure undertakings.

This policy affirms the county’s commitment to fair post-issuance disclosure. The goal is to establish and maintain guidelines for presenting related financial reports and events to interested third parties, financial institutions and the general public in compliance with the Rule and the county’s continuing disclosure undertakings.

#### **A. Scope**

This policy covers disclosure documents filed with the SEC, statements made in the county’s Audited Financial Statements and in any unaudited interim reports, as well as public statements made by authorized county officials.

## **SECTION 3 COMPLIANCE**

### **NUMBER 3.10 HIPAA Electronic Protected Health Information (ePHI) Security Policy**

Boulder County complies fully with all federal and state security protection laws and regulations regarding protection of electronic protected health information (ePHI), which is of paramount importance to this organization. Violations of this policy or any related procedures may result in severe disciplinary action up to and including possible termination of employment and possible referral for criminal prosecution.

#### **A. Risk Management**

Security measures are in place and maintained sufficient to reduce risks and vulnerabilities to reasonably appropriate level to:

1. Ensure the confidentiality, integrity and availability of all ePHI Boulder

County creates, receives, maintains, or transmits.

2. Protect against any reasonably anticipated threats or hazards to the security or integrity of ePHI.
3. Protect against any reasonably anticipated uses or disclosures of ePHI that is not permitted by HIPAA or applicable state law.
4. Ensure that all appropriate members of the workforce are aware of these requirements and comply with them.

B. Personnel Clearance

Personnel must be cleared before access to ePHI is allowed.

C. Security Incident

All security incidents (suspected or actual) will be documented in writing.

These incidents will be promptly investigated, and harmful effects or violations will be mitigated to the extent practicable.

All responses and follow up actions will be documented.

D. Business Associates

1. Business associates must be contractually bound to protect ePHI, as required in applicable federal regulations.
2. Business associates who violate their agreement will be dealt with first by an attempt to correct the problem, and, if that fails, by termination of the agreement and discontinuation of services by the business associate.
3. Any business associate whose agreement cannot be terminated, and who has not corrected the violation, will be reported to the Secretary of the Department of Health and Human Services.

E. Document Retention, Availability and Currency

1. It is the policy of Boulder County that these policies and all related procedures be retained for six (6) years from the date of their creation or the date when they were last in effect, whichever is later.
2. This documentation will be made available to those persons responsible for implementing the related procedures.
3. This documentation and policy will be kept current in response to relevant environmental or operational changes or changes in law.



## **SECTION 4 HEARINGS AND MEETINGS**

It is the policy of BOCC to conduct hearings and meetings in a manner consistent with open meetings laws and to encourage appropriate public participation.

\*See Procedures Manual



## **SECTION 5 EXTERNAL**

### **NUMBER 5.1 Transit Pass and Parking Permit Reimbursement Program**

It is the policy of the BOCC to subsidize transportation for members of Boulder County Boards and Commissions, members of the public who attend public meetings and hearings, volunteers, persons attending county- sponsored training programs, and employees on official county business. By offering free RTD Day Passes and free parking in downtown Boulder lots, the BOCC encourages participation by members of the public on various Boulder County Boards and Commissions, invites public participation in county government through its volunteer program, encourages members of the public to attend public meetings and hearings, supports employee and client participation in county-sponsored training programs, and provides adequate parking for its employees who are conducting official business.

Due to the limited amount of parking available, parking spaces on Boulder County lots may be assigned according to established procedures and specifications.

## **SECTION 5 EXTERNAL**

### **NUMBER 5.2 Eligibility for Membership on County Boards and Commissions**

The Boulder County Board of County Commissioners appoints advisory boards and commissions, including some with statutory duties and requirements. The boards and commissions provide input and make recommendations in their field on an ongoing or as-needed basis.

This Policy applies to all County Boards and Commissions and the appropriate staff who support the functions of these entities. This Policy does not apply to internal employee committees, task forces or work groups.

It is important that staff and board members fully understand the role of each board and the authority and responsibility for the board and its members. To help define these roles, each Board and Commission will be designated by function, as defined below:

#### **A. Advisory**

An advisory board or commission function is to provide strategic non-binding advice and/or information to the Board of County Commissioners or the requesting department only and is not authorized to make decisions on behalf of the county. These boards also include employee advisory boards.

#### **B. Quasi-Judicial**

In addition to performing the same functions as the advisory boards and commissions, some boards and commissions are defined in state statute and have certain statutory responsibilities and authorities, as designated by statute under C.R.S §31-23-202, C.R.S §31-23-307, C.R.S §30-28-206, and C.R.S §30-28-307. The functions of these boards are to objectively determine facts, hold formal hearings, accept testimony, and draw conclusions so as to provide the basis of an official action. These decisions may or may not be subject to review by the Board of County Commissioners.

#### **C. Recruitment**

The Commissioners' Office will publicize and advertise Board and Commission vacancies at least twice a year, and on an as needed basis throughout the year.

#### **D. Applications**

All residents interested in serving on a board must complete an official county application. The application is available from the Commissioners' Office and on the Boards & Commissions webpage. Applications must be returned by the deadline to the Commissioners' Office.

#### E. Eligibility

In general, all members of county Boards and Commissions shall be residents of Boulder County. Because of the time commitment involved, and to allow as many residents the chance to participate in county boards and commissions, serving on more than one county Board and Commission at a time is discouraged. The Board of County Commissioners reserves the right to appoint individuals to multiple boards when, in the opinion of the Board of County Commissioners, it is in the best interest of the County.

#### F. County Employees

County employees may be appointed to Boards and Commissions with permission of the relevant Elected Official.

#### G. Members of Boards and Commissions

Any person serving on Boards and Commissions, who is later elected to office, shall be allowed to complete their current term, if deemed appropriate by the Board of County Commissioners.

No County employee or Elected Official will be appointed as a representative of the County at-large on Boards and Commissions. When a slot on Boards and Commissions is mandated to be filled by an Elected Official, an exception to this policy will be made.

All employees are encouraged to apply for membership on internal employee boards.

#### H. Selection

The Board of County Commissioners will seek the most qualified individuals representing a cross-section of viewpoints which includes: race, ethnicity, national origin, immigration status, gender identity, gender expression, sexual orientation, socio-economic background, political affiliation, age, religion, body shape, size, and ability.

#### I. Terms

Except in rare circumstances, when deemed by the Board of County Commissioners to be in the best interests of the county, or where mandated by State Statutes, no member of a board shall be appointed to serve for more than nine (9) consecutive years. Board members who reached their term limit will be required to take at least a year off before they can apply for membership to the same board.

#### J. Open Meetings

All meetings and actions of all Board and Commissions shall be in full compliance with state statutes governing open meetings as promulgated by §24-6-401 and C.R.S §24-6-402. The law states that all meetings of two or more members of any state public body where any public business is

discussed must be open to the public.

K. Conflict of Interest

Members of Boards and Commissions shall not use their membership for private gain and shall act impartially and not give preferential treatment to any private organization or individual. A member of any board and commission who has a personal or private interest in a matter proposed or pending shall disclose such interest to the board or commission for review by the County Attorneys' Office, and if necessary shall not vote on the item and shall not attempt to influence the decisions of other members voting on the matter.

L. Ownership of Intellectual Property

Any documents, articles, reports or correspondence recommendations or other products produced by a County Board and Commission shall be the sole property of the Boulder County Board of County Commissioners. Board and Commission member shall not copyright or in any other way take ownership for any documents, articles, recommendations or other products produced as a function of the Board and Commission.

M. Removal of Board Member

Any board member may be removed by the Board of County Commissioners for behavior unbecoming a board member, which may include, but is not limited to, substantial unexcused absences from full board or commission meetings; soliciting, receiving or accepting any remuneration in exchange for a vote on any item under consideration by a board or commission or any of its committees, subcommittees or task forces if there is a county investigation that determines that a board member had solicited, received, or accepted remuneration; consistent failure to adhere to the bylaws of a board or commission; intentional failure to declare a conflict of interest; unprofessional behavior; or impeding or compromising the work of the board or commission.

N. Waivers

Any section of this policy can be waived by a majority vote of the Board of County Commissioners. If a conflict arises between this policy and bylaws developed by a board or commission, this policy shall supersede the bylaws.

## **SECTION 5 EXTERNAL**

### **NUMBER 5.3 Use of County Grounds and/or Buildings**

A. Prohibited Uses

1. Alcohol, Beer, or Wine Consumption on County Grounds and/or in Buildings



It is the policy of the BOCC that no serving or consumption of alcoholic beverages (as defined by the Colorado Revised Statutes), 3.2 percent beer, or wine shall be allowed in county- owned or county-leased buildings, except as permitted by Parks Rules and Regulations and Special Events Permits, except as required for performance of official duties of the Boulder County Sheriff's Office, and at county functions with BOCC approval.

2. Marijuana Prohibited on County Grounds and/or in Buildings It is the policy of the BOCC that marijuana may not be cultivated, processed, sold, traded, distributed, possessed, or consumed on county-owned or managed property or in any county-owned or county-leased buildings. An exception to this policy exists for marijuana held as evidence by the Boulder County Sheriff's Office.

EO/DH, county employees and agency heads shall be responsible for enforcing and complying with this section in their own area of control.

Any county employee who violates this section is acting outside the scope of employment, may be personally liable for any consequences, and may be subject to discipline.

## B. Free Speech Purposes

The BOCC recognizes and supports the rights of free speech. This policy is intended to inform county employees and members of the public of the manner in which they may engage in constitutionally protected speech and expression upon the county-owned properties listed herein. Free speech includes but is not limited to leafleting, displaying a sign, picketing and other activities involving the advancement, communication or expression of views, ideas, or grievances and which have the effect or intent to express those views, ideas or grievances to others.

The county will protect the rights of freedom of speech, petition and peaceful assembly as set forth in the U.S. Constitution. The county maintains its right to regulate acts in connection therewith by reasonable time, place, and manner restrictions.

This policy addresses both public assemblies, which require the issuance of a Permit by the county, [see Procedures Manual](#), as well as the specific time, place, and manner of restrictions on the expression of constitutionally protected free speech, which do not require a Permit, on specific properties owned by the county.

The expressions of free speech regulated in this policy are acts or expressions that are being taken or conducted on the county-owned property listed herein. The term "properties" throughout this policy specifically excludes any buildings or structures and only refers to the grounds upon which the

buildings/structures are located and that are owned by the county.

The interiors of county-owned buildings are not open to the public for the purpose of free speech expression and are expressly reserved solely for the functioning of the county government. The use of interior space for activities other than the functioning of county government is allowed, if the activity is sponsored by an office/department or agency and the activity occurs after working hours, or if the activity is in furtherance of county purposes as determined by the BOCC or another County Elected Official (with respect to that Elected Official's office).

The exteriors of county-owned buildings and structures are similarly restricted for the functioning of county government and furtherance of county purposes as determined by the BOCC or another County Elected Official (with respect to that Elected Official's office). Signs, banners, lights, or other materials affixed to or projected against the walls or surfaces of county-owned buildings or structures other than those approved by the BOCC or another Elected Official are prohibited. The BOCC Chief of Staff or designee reserves the right to determine the lighting at the courthouse campus.

#### C. Designation of County-owned Property

Generally, government properties are categorized as public forums or non-public forums. If a government property is not a traditional public forum it is a non-public forum and can only become a public forum if the government unit intentionally designates it as open to free speech expression, with or without limitations.

As designated herein, Boulder County properties include traditional public forums and limited public forums free speech activities.

##### 1. Traditional public forums

The following properties are traditional public forums. They are properties that have traditionally been used for purposes of assembly, communicating thoughts between members of the public and discussing public questions.

County Fairgrounds, 9595 Nelson Rd., Longmont  
Boulder County Courthouse, 1325 Pearl St., Boulder

##### 2. Limited public forums

The properties listed in of this policy are Non-Public Forums opened for selective access to speakers whose topic is the organization of employees to address issues incident to their status as employees of the county. The properties listed in section are not and have never been dedicated to open communication.

Therefore, the county intends to continue to restrict the use of these properties to those who participate in the forums' official business. Although

the use of these properties is reserved for their intended business purposes, the county, to further its own internal purposes, is specifically allowing an additional use of the properties on a limited basis for free speech activity which directly relates to the organization of employees, to address issues incident to their status as employees of the county.

This policy does not cover any unlisted county-owned properties that are managed by the Parks and Open Space Department, all of which are non-public forums. This policy is not intended to cover road races or parades, which are regulated separately by the Community Planning & Permitting Department.

The county reserves the right to alter or modify the designation of county-owned properties or the regulations of speech thereon. Any county-owned properties not specifically listed in this policy should be considered non-public forums, unless otherwise designated public by the BOCC.

#### D. Regulations on Free Speech Activities

Free speech activities are those activities under the First Amendment of the United States Constitution and similar provisions in the Colorado State Constitution. They include, but are not limited to: Leafleting, displaying a sign, picketing, and other activities involving the advancement, communication or expression of political or religious views, ideas, or grievances, and which have the effect or intent to express those views, ideas or grievances to others. Pursuant to federal law, the county may regulate the time, place, and manner of assembly and other free speech activities.

The following restrictions/prohibitions apply to all acts or expressions of free speech conducted on county-owned property, including traditional public forums and limited public forums. In addition, a public assembly on county-owned property as defined in section E requires a county-issued permit and must comply with all conditions of the permit.

The following restrictions/prohibitions apply to all acts or expressions of free speech conducted on county-owned property.

Acts or expressions of free speech must not – or the people engaging in such acts shall not:

1. Threaten any person in a manner constituting assault or actionable harassment.
2. Interfere with, impede or cause blockage of the flow of vehicular or pedestrian traffic.
3. Create an imminent safety, security or health hazard. Fire shall not be permitted due to the risk of harm to people and property. Use of candles may be permitted at the Courthouse campus under a public assembly permit.

4. Interfere with or disrupt any other lawful activity by anyone in the same general location at the same time.
5. Post materials on any walls, windows, doors, sidewalks, trees, light poles, fences, landscaping, on county-owned property, or on any other county equipment, or shine or project any signs, images, colors, or lights communicating any message on any county-owned building or structure.
6. Conduct speech that includes obscenity or fighting words. Fighting words are those words that by their very utterance tend to incite an immediate breach of the peace.
7. Engage in any other speech or action that is not allowed by law.
8. Engage in any acts that are significantly disruptive to the normal operations of the county or unlawfully invade the rights of others.
9. Shall not camp, as defined in this policy.

The Sheriff or local law enforcement officials may establish "police lines" in the case of counter-protests, for the purpose of separating confrontational groups and providing for safe events. Additionally, members of the public must obey orders by law enforcement when they are acting to prevent a clear and present danger of riot, disorder, interference with traffic upon a street, or other immediate threat to public safety, peace or order.

All applicable county policies and resolutions, state and federal laws, and applicable municipal ordinances must be followed when any person is using county-owned property pursuant to this policy.

#### E. Public Assembly Policy

##### 1. Requiring a Boulder County issued Permit

The United States Supreme Court has recognized that the regulation of governmental-owned property for public assemblies is a traditional exercise of control by local governments, and in order to regulate competing uses of these public forums the county may impose a Permit requirement on those who seek to hold public assemblies.

This policy does not apply to vehicular, bicycle or running/walking road races or parades on county roads which are regulated separately by the Transportation Department.

#### F. Definitions

1. Sheriff means the Sheriff of the county of Boulder, Colorado
2. County means the county of Boulder
3. BOCC Chief of Staff means the Chief of Staff to the BOCC or a designee of the BOCC or the BOCC Chief of Staff

4. The BOCC means the BOCC of Boulder County
5. City, Town, or Municipality means any city, town or municipality located within Boulder County. The use of any of these terms throughout this policy shall refer to the actual city, town or municipality in which the free speech activity is to occur.
6. Public Assembly Permit (or Permit) means a Permit as required by this policy. The party applying for the Permit is defined as the Permit holder.
7. Person means any person, firm, partnership, association, corporation, company or organization of any kind.
8. Public Assembly is defined as either:
  - a. Any meeting, demonstration, picket line, rally or gathering of more than twenty-five (25) persons for a common purpose as a result of prior planning that interferes with the normal flow or regulation of pedestrian or vehicular traffic or occupies any public area in a place open to the general public.
  - b. Any meeting, demonstration, picket line, rally or gathering which includes the placement, construction, or assembly of a structure or structures, including but not limited to, personal sized tents, or objects including, but not limited to, tables, chairs, stages, recreation equipment regardless of the number of participants.
9. Sidewalk is any area or way set aside or open to the general public for purposes of pedestrian traffic, whether or not it is paved.
10. Internal sidewalk is a sidewalk located on the grounds of county- owned property and is included in all restrictions for county-owned property as set forth in this policy.
11. Street is any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof.
12. Camping shall be defined as sleeping, cooking, or otherwise engaging in activities of daily living, including having and storing paraphernalia of daily living, including but not limited to clothing, personal hygiene items, or cooking equipment, or using shelter including any cover or protection from the elements other than clothing. The term does not include napping during the day or picnicking. During the day is defined as the period from one (1) hour after "sunrise" until "sunset". Persons using a tent or other means of shelter on county-owned property should have no expectation of privacy, and can be asked to open the shelter by a Law Enforcement or Boulder County Security Officers.

Historic Event which has occurred on county-owned property on a regular basis over a period of time such that there is an expectation that event will continue to occur on that regular basis and an application for the event will be

submitted to Boulder County.

#### G. Permit Required

No person shall engage in or conduct any Public Assembly on county- owned property unless a Permit is issued by the BOCC Chief of Staff.

#### H. Exceptions

This policy shall not apply to the following:

1. Funeral processions
2. A governmental agency acting within the scope of its functions; and spontaneous events occasioned by news or affairs coming into public knowledge within two (2) days of such Public Assembly, provided that the organizer thereof gives written notice to the county at least twenty-four (24) hours prior to such Public Assembly.

#### I. Police Protection

The BOCC Chief of Staff shall determine whether the applicant must coordinate with local police enforcement authorities to ensure that all local laws, ordinances and regulations will be met.

## **SECTION 5 EXTERNAL NUMBER 5.4 Public Records**

A substantial amount of public records and open data are available to the public free of charge on Boulder County's website. For records that are not already publicly available, the county accepts open records requests from members of the public through the Boulder County Open Records Center. This online portal may be used by members of the public to (1) submit records requests using an online request form; (2) track the status of a submitted request; and (3) view or download records.

This policy and the County's public records procedures ensure compliance with Colorado Open Records Act C.R.S. § 24-72-200.1, et seq. (CORA) and provide for the efficient and cost-effective use of government resources in responding to CORA requests. County staff is authorized to charge and collect fees as stated in the county public records procedure for the cost of researching, retrieving, and reviewing public records. All EO/DH and county employees are responsible for complying with this policy and the county's public records procedures.

The Clerk to the BOCC is the official custodian of records centrally maintained by the County. The IT Division Director is the official custodian of emails. Department heads are the official custodians of records maintained within their respective departments.

Elected officials are the official custodians of records maintained within their respective offices. Elected officials may establish additional policies, procedures, and regulations that apply to public record requests. The county will consult with the elected official if the county receives a request for an elected official's public records.

## **SECTION 5 EXTENAL**

### **NUMBER 5.6 Firearms on County Property**

- A. It is the policy of the BOCC that no firearms shall be allowed in county-owned or county-leased buildings, or on other county-owned or leased real property, except:
1. The possession of legally permitted firearms kept within the owner's private vehicle when that vehicle is occupied, or if unoccupied, only where the vehicle is kept locked; and
  2. The carrying of concealed handguns pursuant to a permit issued in accordance with C.R.S. 18-12-201 et seq. where carried in all respects in accordance with state law. This exception shall not apply to any county-owned or leased building with Security personnel and electronic screening devices on premises.
  3. Participants in the following events at the Boulder County Fairgrounds if, and only if, pursuant to valid written contract with Boulder County approved by the BOCC or the Director of the Boulder County Parks and Open Space Department:
    - a. organized shooting events for juveniles using air rifles or air pistols
    - b. gun shows and/or auctions
    - c. cowboy mounted shooting competitions
    - d. training events sponsored by 4H or the CSU Extension Office.
- B. This policy does not apply to residential tenants within their living quarters, nor to peace officers in the performance of their official duties, authorized security guards, and employees of the Sheriff, the DA, probation, and the courts, who carry weapons in the discharge of their official duties within such buildings or upon such property, or who may come into the possession of firearms as evidence or for safekeeping.
- C. Any county employee who is not required in the performance of job duties to possess a firearm, but who carries a concealed handgun, pursuant to permit issued in accordance with C.R.S. 18-12-201 et seq., where carried in all respects in accordance with state law upon county premises while on duty, shall notify the EO/DH of that fact upon entry upon county premises. Employees may choose to comply with this policy by notifying their EO/DH that they received a permit and do intend to carry, from time-to-time, a concealed

handgun while on duty. However, no county employee, other than those specified in paragraph B., shall maintain possession of any firearm in any secured county-owned or leased building.

- D. Any display or use of a firearm by a county employee while on duty, except peace officers in the performance of their official duties, authorized security guards, and employees of the Sheriff, the DA, the probation department and the courts who carry weapons in the discharge of their official duties within such buildings or upon such property or who may come into the possession of firearms as evidence or for safekeeping, is outside the scope of the employee's employment and is not authorized by the county.
- E. Any county employee who is not required in the performance of job duties to possess a firearm but who wishes to carry a concealed handgun, pursuant to permit issued in accordance with . C.R.S. 18- 12201 et seq., where carried in all respects in accordance with state law upon county premises while on duty, must first sign a written acknowledgment that any display or use of a firearm is not within the scope of the employee's employment, and deliver the acknowledgment to the supervising EO/DH.
- F. EO/DH, county employees, and agency heads shall be responsible for enforcing and complying with this policy in their own area of control.
- G. Any county employee who violates this policy is acting outside the scope of employment and may be personally responsible for anything which results, and is subject to immediate termination of employment following the procedures described in Section 6 of this manual.





## **SECTION 6 EMPLOYMENT**

### **NUMBER 6.1 General Policy**

The information in this manual and related procedure handbook is for general information only. It outlines your responsibilities, benefits, and guidelines related to the workplace. The guidelines, practices, and programs described are subject to change and may not be all-inclusive. Where this information conflicts with benefit plan documents, the plan documents will prevail.

The language used in this manual is not intended to create or constitute an employment agreement with any employee. This manual supersedes all previously issued editions.

It is the goal of Boulder County Government to provide, efficiently and effectively, essential public services to its residents. All Boulder County employees share in this goal. This manual defines our policies in hopes of ensuring the well-being of county employees and promoting effective county operations.

This manual is not intended to supersede the authority of the BOCC, Elected Officials, or the Public Health Administrator as provided by the statutes of the State of Colorado. Nothing in this manual may be interpreted as a contract between the employee and the employer.

## **SECTION 6 EMPLOYMENT**

### **NUMBER 6.2 Equal Employment Opportunity and Unlawful Discrimination**

#### **A. Introduction and Policy Statement**

The county is dedicated to the principles of equal employment opportunity. We prohibit unlawful discrimination against applicants or employees on the basis of race, color, religion, gender, gender identity, national origin, age forty (40) and over, disability, socio-economic status, sexual orientation, genetic information, or any other status protected by applicable federal, state or local law.

This policy applies to all employees including directors, managers, supervisors, and co-workers. Non-employees such as vendors and consultants are expected to comply with this policy as a condition of their

contracts. Employees, contractors, and consultants are also prohibited from harassing customers and clients on the basis of the protected status of the customers and clients.

B. Americans with Disabilities Act As Amended (ADAAA) and Religious accommodation

The county will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief unless doing so would result in an undue hardship to the County or cause a direct threat to health and safety. Employees needing accommodation are instructed to contact their supervisor or HR.

C. Equal Employment Opportunity (EEO) Harassment

The county strives to maintain a work environment free of unlawful harassment. In doing so, the county prohibits unlawful harassment because of race, color, religion, gender, gender identity, national origin, age forty (40) and over, disability, socio-economic status, sexual orientation, genetic information, or any other status protected by applicable federal, state, or local law. Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Actions based on an individual's protected status will not be tolerated. Prohibited behavior may include but is not limited to the following:

1. Posting, emailing, or distributing materials in written form such as cartoons, e-mails, posters, drawings, and photographs
2. Verbal conduct such as epithets, derogatory comments, slurs or jokes
3. Physical conduct such as assault, or blocking and individual's movements

D. Sexual Harassment

Because sexual harassment raises issues that are to some extent unique in comparison to other types of harassment, the county believes it warrants separate emphasis.

The county prohibits sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

1. Submission to such conduct is made explicitly or implicitly a term or condition of employment
2. Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment
3. Such conduct has the purpose or effect of substantially interfering

with an individual's work performance or creating an intimidating, hostile, or offensive work environment

All employees are expected to conduct themselves in a professional and business-like manner at all times. Conduct which may violate this policy includes, but is not limited to, sexually implicit or explicit communications whether in:

1. Written form, such as cartoons, posters, calendars, notes, letters, emails
2. Verbal form, such as comments, jokes, foul or obscene language of a sexual nature, gossiping or questions about another's sex life, or repeated unwanted requests for dates
3. Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body.

## **SECTION 6 EMPLOYMENT**

### **NUMBER 6.3 Legal Defense of Claims**

- A. The Colorado Governmental Immunity Act, C.R.S. Section 24-10-110(1), 1973, as amended, provides that the county shall pay the costs of legal defense, judgments, and settlements of all claims and/or suits brought against county employees. Election to defend and payment of defense costs, judgments, and settlements will be made by the county only where the claim against the employee arises out of injuries allegedly sustained from an act or omission of such employee occurring during the performance of the employee's duties and within the scope of county employment and will not be made where the act or omission of the

employee is willful and wanton. In order to meet the requirements of the act, employees are required to do the following:

1. Notify the Risk Manager of the underlying incident at the time it happens, or when the employee is made aware of the injury. (See [Workers' Compensation Policies and Procedures](#))
2. Notify the CA in writing within fifteen (15) days after commencement of any legal action against the employee and provide the county the opportunity to elect to assume the legal defense of the employee by the CA Office, self-insurance fund counsel, or private counsel as authorized by the BOCC. No private legal representation arranged solely by the employee will be paid or reimbursed by the county.
3. Enter into an employee legal representation agreement with the county. (This agreement is on file in the CA Office.)

- B. Any compromise or settlement of a claim by an employee without the consent of the county will result in the county's refusal to pay such costs, judgment, or settlement.
- C. For purposes of this policy, "employee" means any Elected Official, officer, employee, servant, or authorized volunteer of the county, whether or not compensated, elected or appointed, but does not include independent contractors nor any person sentenced to participate in public service. "Authorized volunteer" means a person who performs an act for the benefit of the county at its request and subject to its control.

## **SECTION 6 EMPLOYMENT – GENERAL BASICS**

### **NUMBER 6.4 Employment Status**

#### **A. FTE (“Full time Equivalent”)**

A Full-Time Equivalent Salaried with Benefits Employee is an employee who is hired to a budgeted, salaried position with benefits working scheduled, forty-hour work weeks.

#### **B. Part-Time FTE**

An employee hired to a budgeted, salaried position with benefits working less than forty (40) hours per week, but at least twenty hours per week.

#### **C. Grant-funded FTE**

A full-time or part-time employee hired to a budgeted, salaried position with benefits working twenty (20) hours or more per week in a program funded by a grant(s). Grant-funded employees must be hired through a competitive hiring process and into a classified position. Grant-funded employees can be terminated without cause if the funding source ends and in such cases are not covered under the layoff policy.

#### **D. Introductory Employee**

An employee in the first nine (9) months of continuous county employment as an FTE, or the first nine (9) months following voluntary transfer through a competitive recruitment process or change of employment status in the same position (e.g. from hourly to FTE). The Sheriff's Office introductory period is twelve (12) months of continuous employment.

#### **E. Term Employee**

An employee hired for a limited, specified period of time or for a specific project which has a specified time limit. Such employees may be part-time or full-time, are paid on a monthly basis, and receive all benefits of an FTE as described in this manual. Term employees may not use medical leave as personal business or their floating holiday until they have worked

nine consecutive months. Term employees must be hired through a competitive hiring process, hired into a classified position, and their pay must fall within the range associated with the classification. Term employees can be terminated without cause and are not eligible for appeal hearings.

F. Hourly Employee

An employee hired for a limited period of time. Such employees may be part-time or full-time, are paid on an hourly basis at rates determined by knowledge, skills, and ability, and receive no County benefits other than those mandated by law.

## **SECTION 6 EMPLOYMENT – GENERAL BASICS**

### **NUMBER 6.5 Personnel Files**

Employees' official personnel files are maintained by HR, with the exception of the Sheriff's Office and the District Attorney's Office. Access to all personnel files, regardless of where they are kept, is governed by C.R.S. 24-72-204 regarding allowances or denial of public records (see the Guidelines for Handling Requests for Public Records Policy). Employees have the right to review their own personnel files and add written responses concerning anything already existing in their files. EO/DH and supervisors have the right to review the files of those employees whom they supervise. If an employee or former employee is being considered for transfer or hire, the hiring manager must review the personnel file prior to selection.

## **SECTION 6 EMPLOYMENT – GENERAL BASICS**

### **NUMBER 6.6 Introductory Period**

The first nine (9) months from the date of hire of employment as an FTE is an introductory period. This period of time allows for county supervisors to determine whether or not the newly hired employee is able to perform the job satisfactorily when fully trained and experienced in the present assignment. The employee may be dismissed or terminate employment without prior notice or obligation during this period. Employees in their introductory period are not eligible to use the floating holiday, personal business, or paid caregiver leave.

The introductory period is also in effect whenever an employee begins a different position within the county due to voluntary transfer through a competitive recruitment. It is the direct responsibility of each supervisor to regularly observe and assess the quality and quantity of work produced by the transferred employee throughout the first nine (9) months of the introductory period.

If at any time prior to the expiration of the nine (9) month introductory period, it becomes obvious to the supervisor that the performance of the new or transferred employee is unsatisfactory and/or the employee is not performing up to the

expectations of the job, one of the following actions must be taken:

- Employee counseling for solution of problems
- Training
- Extension of Introductory Period\*
- Termination

During the introductory period, each new employee will have a performance review by a supervisor at least one time.

\*This introductory period may be extended by up to three (3) months with the approval of the HR Director. A written statement outlining the rationale for the extension must be signed by the employee and their supervisor with approval of the EO/DH.

## **SECTION 6 EMPLOYMENT – GENERAL BASICS**

### **NUMBER 6.7 Residency Requirements**

Employees of Boulder County must reside in Colorado unless they have received permission from the HR Director and their EO/DH to live out of state. Employees shall not be required to reside within Boulder County.

However, the BOCC or the appropriate EO/DH, reserves the right to:

- Impose on key employees, with duties which clearly and demonstrably require them to be close to their place of employment, reasonable requirements as to the maximum distance they may reside from their place of work. Such conditions may be imposed after hearing by resolution.
- Impose residency requirements on key appointed Officials. Such conditions may be imposed by resolution.

## **SECTION 6 EMPLOYMENT – GENERAL BASICS**

### **NUMBER 6.8 Job Description**

Classification of a position will be based on a written job description that will provide:

- Title
- General description of position
- Supervision given and received
- Education and/or experience required to perform the job
- Levels of knowledge, skills, and abilities needed to perform the job

It is important to note that classification of a position is based on what is done in the position not how well the current employee performs in the position.

## **SECTION 6 EMPLOYMENT – GENERAL BASICS**

### **NUMBER 6.9 Changes in Classification**

A. Reclassification of an Existing Position

1. Positions should be reclassified:
  - a. When there will be significant changes in the duties, responsibilities, and required qualifications of a position.
  - b. To achieve internal equity.
2. The time frame within which a reclassification may be submitted is Jan. 2-March 31.
3. Reclassification costs must be financed by the requesting offices/departments.
4. Employees should not perform higher level duties until a reclassification has been approved by Human Resources. An exception may be granted by the Human Resources Director in the event of extenuating circumstances.
5. The Human Resources Director may make exceptions to the reclassification time frame in the event of extenuating circumstances.

B. Reorganization of an Office/Department

1. Positions should be reviewed for reclassification in the event that reorganization significantly alters or shifts the responsibilities of one or more positions.

## **SECTION 6 EMPLOYMENT - GENERAL BASICS**

### **NUMBER 6.10 Performance Standards and Appraisals**

Each employee will have written performance standards developed for the employee's position. Each employee will have a performance review during the introductory period and at least annually thereafter based on these standards and other relevant job performance indicators.

## **SECTION 6 EMPLOYMENT - GENERAL BASICS**

### **NUMBER 6.11 Categories of Training**

A. Required Training

Employees may be required to take training as a condition of employment. Generally, the training is financially supported in full by the office/department requiring it, and the employee receives regular compensation for the training hours.

Exceptions to this policy are determined by Elected Officials; however, Fair Labor Standards Act guidelines must be met.

**B- Learning and Employee Development**

Employee development opportunities are intended to improve performance, capabilities and morale of participating employees so that a higher degree of service is delivered to the residents of Boulder County.

**SECTION 6 EMPLOYMENT POLICIES AND PROCEDURES**

**NUMBER 6.12 Equitable Hiring, Retention, and Promotion**

Human Resources is directed to ensure that Boulder County's hiring practices provide equal opportunity for people of color and promote racial equity. Human Resources will implement consistent recruitment, hiring, onboarding, and retention practices and tools to reach the County's goals of equitable recruitment, hiring, and retention. The County will establish an organizational culture that includes equity as a strategic priority and inclusion as one of its core values. Human Resources will ensure that equity and inclusion is rewarded by recognizing champions of inclusion and reflecting such in performance feedback. Elements of diversity, equity, and inclusion will be considered in employee performance feedback, professional development plans, and pathways for promotion. Human Resources will provide training to hiring managers and others who develop job descriptions, set minimum qualifications, review resumes, conduct interviews, and make hiring decisions in developing and implementing strategies for equity. Human Resources will develop resources and directives for overall organizational retention for people of color.

**SECTION 6 EMPLOYMENT – GENERAL BASICS**

**NUMBER 6.13 Employee Recognition Programs**

It is the policy of the BOCC to recognize employees in the following five recognition programs:

- A. John P. (Jack) Murphy Circle of Honor  
Established in 1984, the Jack Murphy Circle of Honor recognizes FTE employees who have worked for Boulder County part-time or full-time continuously as an FTE for at least eighteen (18) years. Eighteen years is how long Jack Murphy was County Commissioner, and it is generally felt that Commissioner Murphy set the standard for public service.
- B. On-the-Spot Cash Reward Program  
A division director/supervisor, subject to EO/DH approval, may award an On-the-Spot Bonus to recognize a specific performance. The award may be given to an individual or a team.
- C. On-the-Spot Non-Monetary Recognition Rewards  
Directors, managers, supervisors, fellow employees, subject to EO/DH approval, may recognize a notable performance incident with an on-the-spot non-monetary reward. The awards may be given to either an individual or a



team.

D. Pinnacle Awards

This program recognizes employee work teams for projects and programs that exemplify the county's mission and value statements.

E. Employee Recognition Time-Off Bonus Hours

Supervisors may award time- off bonus hours in recognition of a specific and/or notable performance. The awards may be given to benefits-eligible employees and are pro-rated based on FTE status.

## **SECTION 6 EMPLOYMENT – GENERAL BASICS**

### **NUMBER 6.14 Electronic Timekeeping**

The purpose of this policy is to provide guidance to all Boulder County employees regarding proper use of the BC Time system. The goal is to ensure time is accurately recorded for payment and to establish consistency and responsibility for time reporting. Employees must refer to the guidelines provided by their own work group within their office/department or refer to the HR intranet site if no internal office/department policy exists.

**Exempt Employees.** All employees who are exempted from the overtime compensation requirements of the Fair Labor Standards Act and who have been designated as such by Boulder County HR.

**Non-exempt Employees.** All employees who are eligible for overtime according to the Fair Labor Standards Act and who have been designated as such by HR.

**Punching.** Creating a record of when an employee begins or ends the work day, commonly done at a computer or a time clock.

**Riding the Clock.** Term used for an employee who has clocked in but who is not working and/or is spending time on personal or other non-working matters.

#### **Prohibited Activities**

It is prohibited to punch into the system for an employee who is not at work at that time. The only people who may punch in for the employee are the individual employee or the employee's supervisor. Using someone else's badge or punching in for someone else is considered, at a minimum, to be theft of county time and falsification of a government record.

Employees must not clock in until they are ready to work. Nonexempt employees also may not clock out and continue working "off the clock". Employees who do so are subject to discipline, and supervisors who permit this activity are also subject to discipline.

## **SECTION 6 EMPLOYMENT - HIRING**

### **NUMBER 6.20 Recruitment**

#### A. Job Vacancies

All vacancies, including promotions, reclassifications, and reorganizations must be posted consistent with HR's posting procedures. All promotional opportunities will be publicized to all county employees through job postings on the county's website, including those available only to existing employees under an "internal opportunities" listing.

1. Vacancies will be announced to the public by:

- a. Posting on the county's website; and/or
- b. Using other agencies or media, as necessary, to reach a specialized labor market.

#### B. Application for Employment

All applicants must submit an application via the county's applicant tracking System, through a recruitment firm retained by the office/department, or as otherwise directed by the job posting. Applications for employment in the Sheriff's Office are submitted directly to that office. All other applications are submitted to HR.

#### C. Rehire of Former Employee

Before hiring a previous employee, the hiring manager must determine that the person is eligible for rehire by contacting HR for confirmation and reviewing the employee's personnel file. The previous employee must go through the application process described above before being rehired.

A person who is rehired within thirty (30) days of separation will not experience a break in service and will continue previous leave accrual. PERA retirees may return to work at Boulder County the first business day of the calendar month following the effective month of PERA retirement. Retirees must be paid out all medical leave, if applicable, and all vacation leave upon retirement. Employees who were hired prior to June 1, 1987 and rehired under this provision will no longer be eligible for the medical payout provision. To satisfy PERA requirements, the employee must remain off work during the effective month of retirement before returning to work for Boulder County to avoid a benefit reduction. For example: Joe Employee retires on January 25. His effective month will be February, and he will be eligible to return to the county on March 1. A PERA retiree who is rehired within the timeframe described above will not experience a break in service and will continue previous benefits accrual. For example: Joe Employee has worked for ten (10) years and accrued fourteen (14) hours of vacation per month. When Joe comes back March 1 as 50% FTE, he will earn seven (7) hours of vacation each month. Boulder County does not assume any responsibility for interpretation of PERA rules regarding PERA retirees returning to work. Insurance coverage will be reinstated the first of the month in which the employee returns to work without any waiting periods but subject to eligibility requirements.

## **SECTION 6 EMPLOYMENT - HIRING**

### **NUMBER 6.21 Selection and Hiring**

#### **A. Selection of Applicants: Screening**

Applications will be screened based on job-related knowledge, skills, abilities, experience and education. The criteria used may be provided by EO/DH and must comply with the classification description for the announced position.

HR will screen only for minimum qualifications outlined in the classification description. All applicants meeting the minimum qualifications will be referred to the office/department for consideration.

#### **B. Hiring Requirements**

As part of the hiring process, hiring managers must follow all HR hiring procedures, unless excepted by the HR Director.

#### **C. Internal Transfer**

All employees who voluntarily transfer to another position through a competitive recruitment process are placed on a new nine (9) month introductory period. Hourly employees who move into an FTE position also begin a nine (9) month introductory period and must go through competitive recruitment.

#### **D. Employment of Relatives**

In the interest of maintaining impartial employment practices, Boulder County has an established policy regarding the employment of relatives. Relatives who were employed prior to August 14, 1985, are not affected by this policy.

County policy permits the hiring of immediate relatives of a current employee with the understanding that under no circumstances may an employee work under a relative's supervision regardless of the number of intermediate supervisors between the relative and the employee. If the relative or step-relative of a current employee is being considered for employment, the employee must be excluded from any involvement in the hiring decision. Employees who marry may continue employment as long as their spouse is not their supervisor. If this is not feasible, one of the married employees will be asked to resign on a non-discriminatory basis. This applies to all employees. Exceptions to this policy may be established by the BOCC or other Elected Officials.

A relative is defined as spouse, partner in a civil union or domestic partnership, parent, child, grandparent, grandchild, sibling, cousin, aunt, uncle, niece and nephew of the employee or of the employee's spouse or partner in a civil union or domestic partnership.

Employees who are engaged to one another and/or in a common-law marriage (significant other) may not work under a significant other's supervision, regardless of the number of intermediate supervisors between them. If the significant other of a current employee is being considered for employment with Boulder County, the employee must be excluded from any involvement in the hiring decision.

## **SECTION 6 EMPLOYMENT - HIRING**

### **NUMBER 6.22 Temporary Assignment**

When it is not feasible to make a regular appointment to fill an existing vacancy, the BOCC or EO/DH may appoint an employee to serve in an "acting" capacity, and the employee may receive a temporary salary increase related to the appointment. Any potential salary increase for the assignment will be determined by HR based on the additional responsibility of the temporary role. Upon completion of the temporary assignment, the employee will return to their former position and salary. Temporary assignment shall generally be limited to six (6) months. Extensions may be granted by HR under certain circumstances, but the position must be posted to all county employees prior to an extension.

## **SECTION 6 EMPLOYMENT - PAY**

### **NUMBER 6.23 General Policy**

Boulder County's pay plan provides for a systematic classification of positions with standardized salary ranges. The intent of the plan is to provide competitive salaries to recruit and retain competent employees and to reward employees on the basis of their job performance.

- A. The job classification plan can be used
  - 1. As a standard to determine and maintain equitable and competitive employee compensation.
  - 2. As a basis for recruitment, selection, and placement of personnel.
  - 3. As a tool for organizational planning and management.
  - 4. As an aid in evaluating job performance and advancing employees.
  - 5. As a means for determining training needs of county employees.
  - 6. As a basis for developing career ladders.

## **SECTION 6 EMPLOYMENT - PAY**

### **NUMBER 6.24 Determination of Pay Levels**

The salary schedule for each budget year will be prepared by HR, reviewed by the EO/DH, and will become effective upon approval by the BOCC. In determining pay levels, the following is considered:

- The market rates of pay for comparable public and private agencies.
- Internal equity within the county for jobs with similar duties.
- Prevailing economic conditions and the county's ability to pay.

Each classified position will have a salary range with a minimum, midpoint, and maximum pay rate. This range may be adjusted annually to keep salaries competitive. The range can be adjusted by way of a general increase to all classes or as a salary adjustment to a particular class that has been determined to be underpaid in the market.

The pay range of every classified position will be surveyed annually to determine if either a general increase to all classes or a salary adjustment to a particular class is necessary to remain competitive.

Department Directors and other individuals serving at the pleasure of elected officials shall be so notified at the time of hire. Salaries for these positions are set after Human Resources performs an analysis of tangible survey-based and job-function-based data and may be adjusted at the discretion of the BOCC.

A. Increase Based on Performance

An employee may move from entry level to the top of the range based on performance. Performance is measured by the employee's supervisor through regular feedback and review of work. The amount of increase is to be determined by the EO/DH within budgetary limitations and merit plan guidelines and is limited to percentages set by the BOCC as stated in their annual budget letter. An EO/DH who determines that an unusual circumstance warrants a waiver of this limitation may appeal to the BOCC.

B. Promotion/Increase to Base Pay

An employee moving to a higher pay range, because of promotion or reclassification, will receive an increase commensurate to the employee's skills, abilities, and/or related education. The HR Director or designee must approve all salary offers in advance of promotions or reclassifications.

Any pay increase for promotion or reclassification comes from the 70000 budget account, not merit, and must be funded within office/department base for the year.

C. Demotion

An employee who is demoted to a lower classification, because of disciplinary problems, must have the salary fall within the pay range of the lower classification.

D. Bonus Pay

For employees at or over the top of the range, above-standard performance may be rewarded by means of a bonus, a sum of money not added to the base pay. A bonus may also be awarded to those employees within the range based

on performance. The amount of bonus is to be determined by the EO/DH within budgetary limitations and merit plan guidelines and is set by percentage limits set by the BOCC as described in the annual budget letter

#### E. Reassignments

There may be occasions when it becomes necessary to reassign an employee to a job which is classified differently than the employee's present job. Reassignments will generally occur, because an employee, for whatever reason, is unable to continue performing satisfactorily in the employee's present position but is considered capable of performing in another position. Reassignments should not be considered a disciplinary measure, but rather an adjustment required by the employee's inability to do the employee's job. If an employee is reassigned, the employee's salary must fall within the pay range of the job to which the employee has been reassigned. Exceptions to this pay adjustment require the approval of the HR Director. Reassignments require the approval of the EO/DH in consultation with the HR Director.

## **SECTION 6 EMPLOYMENT - PAY**

### **NUMBER 6.25 Rates of Pay for Classified Employees**

All employees are required to authorize Direct Deposit or Paycard for payment of wages. An EO/DH may request an exception for a short-term, hourly employee who does not have access to the Boulder County payroll system to view and print paycheck information. Those employees who are approved by HR for the exception will receive a printed paycheck by mail to the employee's home address of record.

#### Full-Time FTE and Full-Time Term Employees

Full-time FTE and Full-time term employees will be paid a monthly salary in accordance with the appropriate grade of the salary schedule.

#### FTE, Part-Time FTE and Part-Time Term Employees

FTE, part-time FTE and part-time term employees will be paid a monthly salary in accordance with the appropriate pay range of the salary schedule and based on the number of hours the employee is expected to work during a given work week on a continuing basis.

#### Hourly Employees

Hourly employees will be paid an hourly rate based on the number of hours worked.

#### "On-call" Employees

"On-call" employees will be paid according to office/department policy.

## **SECTION 6 EMPLOYMENT - PAY**

### **NUMBER 6.26 Rates of Pay for Unclassified employees**

These employees serve at the pleasure of an Elected Official and shall be so notified at the time of hire. Salaries for department heads who work for the BOCC will be set by HR after analysis of tangible survey-based and job

function-based data.

## **SECTION 6 EMPLOYMENT – PAY**

### **NUMBER 6.27 Days of Pay**

Salaried employees are paid on the last working day of each month. Employees on an hourly wage are paid by on the last working day of each month. No advance wages will be paid. If an employee's effective date of hire falls on a county holiday, the employee will not be paid for the holiday. Non-exempt employees must account for all time on their timesheet. Exempt employees must account for exceptions only on their timesheet, unless required for reasons of business necessity.

Timesheets approved by the offices/departments and submitted to HR Payroll must reflect actual time worked according to county policy. Any willful misrepresentation of time worked is a violation of policy and any employee submitting or approving inaccurate timesheets is subject to discipline up to and including termination. The employee may also be subject to civil or criminal liability.

## **SECTION 6 EMPLOYMENT - PAY**

### **NUMBER 6.28 Overtime**

The Fair Labor Standards Act (FLSA) requires that overtime be paid or compensatory time be given to all non-exempt employees for all work hours which exceed forty (40) in a work week.

If compensatory time is given, it must be in accordance with the procedure described in the procedure handbook.

The FLSA does not include these items in the computation of total hours worked:

- The few minutes before and after the set office hours used as preparation and cleanup time.
- Coffee breaks offered by the employer, but not taken by the employee.
- The lunch period as long as the employee is not working during that period.
- Casual hours spent at home or at work reading miscellaneous work-related material.
- Classes and seminars taken after normal work hours unless approved by the employee's supervisor and specifically counting towards hours worked.

The FLSA includes these items in computing total hours worked:

- Time worked at the work desk during the lunch period.
- All hours worked before regular starting time or after regular quitting time are to be included in total daily and weekly hours worked regardless of whether approved by the supervisor or not.
- Hours worked by the employee at home, either on the employee's own initiative or at the request of the supervisor (except casual reading).

The key criteria for eligibility for payment of overtime is the total hours worked in a work week. A long day offset by a short day (i.e., 10 hours Monday, 6 hours Tuesday, 8 hours each on Wednesday, Thursday, and Friday), with the total weekly hours equaling forty does not qualify for overtime pay. See Hours of Work policy for details regarding flexible scheduling.

Overtime is calculated only based on hours worked in an employee's work week. Medical leave, vacation leave, holiday leave, compensatory time, medical leave as personal business, and special circumstance pay do not count as hours worked.

#### A. Exempt and Non-Exempt Status

Exempt employees are in official, professional, and administrative positions and are not eligible for overtime pay or compensatory time. They are eligible for administrative leave in extraordinary circumstances. See Administrative Leave below for details. Non-exempt employees are eligible for overtime pay or compensatory time but are not eligible for administrative leave. All records of use of overtime, compensatory time and administrative leave must be documented and approved within the payroll timekeeping system of record.

In the event of a state or federally declared emergency where reimbursement funding for employees is available, exempt employees may be eligible for compensation over their regular pay. The EO/DH must submit compensation reimbursement requests to the appropriate state or federal agency so that the employee can be reimbursed. It is the responsibility of the employee to track all eligible time in the county's timekeeping system and include the correct project codes to correspond with the activities of the declared emergency. When possible, employees working during a declared emergency should be allowed a minimum of eight (8) hours off duty in any twenty-four (24) hour period.

It is Boulder County's policy to comply with the salary basis requirements of the FLSA. Deductions from an exempt employee's pay are permissible according to Boulder County policy and any reason allowed by law. We prohibit managers from making any improper deductions from the salaries of employees.

If any employee believes that an improper deduction has been made to an employee's salary, that employee should immediately report this information to HR at 303-441-3525 or at [askpayroll@bouldercounty.org](mailto:askpayroll@bouldercounty.org). Reports of improper deductions will be promptly investigated by HR. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed. There will be no retaliation against any employee who makes a complaint regarding improper deductions from salary.

#### B. Criteria for Receiving Overtime or Compensatory Time

All overtime must be authorized in advance by the EO/DH (or designee). Non-exempt employees who are authorized to work in excess of the standard forty-hour work week will receive overtime pay or compensatory time.



Absences for medical treatment received as a result of on-the-job injuries are not treated as hours worked. Therefore, they are not included in hours worked when computing overtime.

C. Rates for Overtime and Compensatory Time

Overtime pay will be paid, and compensatory time will be accrued at the rate of one-and-one-half times the normal rate of pay for each hour worked in excess of forty (40) hours in the designated work week.

Employees who must work the following special holidays will be compensated for the holiday and at a rate of one-and-one-half times their regular rate of pay for any hours worked that day whether or not they work forty (40) hours that week. These special holidays are:

1. New Year's Day
2. Memorial Day
3. July 4<sup>th</sup>
4. Labor Day
5. Thanksgiving
6. Christmas

Employees who must work any other regular holiday will be compensated for the holiday and at one-and-one-half times their regular rate of pay for any hours worked if they have worked forty hours, including the holiday and compensatory time off, that week. Vacation or medical leave used during the week do not count as hours worked. If the hours worked in the designated work week, including holiday and compensatory time off, total forty hours or less, the employee will receive payment at the normal rate of pay.

The Sheriff's Office has separate rules regarding overtime and holiday pay. Please refer to their on-line manual for details.

D. A Choice of Overtime Pay vs. Compensatory Time

The employee, with the approval of the EO/DH (or designee), may choose either overtime pay or compensatory time.

E. Compensatory Time: Maximum Accruals

Compensatory time cannot be accrued beyond eighty hours (Elected Officials may make an exception to this accrual limit but cannot exceed the federal allowed limit of 240 hours.) If vacation or medical time is used during the work week and the employee accumulates more than forty (40) hours of total paid work time, the vacation time or medical time will be subtracted from the total and those work hours will be paid at the normal rate. Any remaining time over forty (40) hours will be calculated at the compensatory or overtime rate.

If an employee is at the maximum accrued compensatory time of eighty hours, the employee must be paid for overtime worked or asked to use compensatory time until it is under the eighty-hour limit.

If an employee transfers from one office/department to another, the office/department in which the compensatory time accrued is responsible for paying out accrued compensatory time on the first pay period after the transfer.

If an employee moves from a non-exempt to an exempt position, the compensatory time will be paid out at the hourly rate for the non-exempt position on the first pay period after the move.

Compensatory time must be paid upon termination. Payment is to be made from the EO/DH's overtime budget.

#### F. Administrative Leave

EO/DH have the authority to grant administrative leave to compensate exempt employees for extra hours worked. Administrative leave must be requested in advance of use and must be added to the timecard by the employee's supervisor. Administrative leave is not applied on a one-to-one basis for extra hours worked and is only intended for extraordinary circumstances.

#### Overtime for Part-Time FTE's and Hourly Employees

Part-time FTE'S and hourly employees are eligible for overtime pay when they have worked hours in excess of a normal forty-hour work week.

## **SECTION 6 EMPLOYMENT - PAY**

### **NUMBER 6.29 Bilingual Pay**

The bilingual pay plan is designed to compensate benefit-eligible employees for use of bilingual skills in the course of their work. All benefit-eligible new hires will be compensated by the employee's office/department based on whether fluency in Spanish is required or preferred.

Positions in which bilingual skills are required will be classified with a range 5% higher than the same classification that does not require bilingual skills.

Applicants who are hired into a position in which bilingual skills are preferred will be compensated 2.5% additional base pay.

Applicants must demonstrate fluency at the time of the pre-employment screening process.

Spanish language proficiency will be determined through standardized demonstration and written and oral testing. The respective office or department is responsible for the cost of testing.

All offer letters to applicants who qualify for bilingual pay must contain confirmation of bilingual pay.

Current employees who are in positions in which bilingual skills are not required or preferred, but who believe they are called upon to offer interpretive services outside the scope of their normal duties, may request bilingual compensation. Employees interested in receiving bilingual compensation must obtain approval from their EO/DH and schedule testing for language assessment. The office/department will not pay for an employee's assessment more frequently than once in a 12-month period.

Eligible employees who test successfully will receive \$25-\$100 bonus pay in compensation from their office/department for utilization of bilingual skills when usage is occasional to frequent during a pay period.

In the event an employee transfers to a new position, a determination will be made whether the employee will continue to receive bilingual pay or bilingual compensation.

## **SECTION 6 EMPLOYMENT - BENEFITS**

### **NUMBER 6.35 Eligibility**

The extent to which employees receive benefits is based on their employment status with the county. A full-time FTE/term employee is eligible for all county benefits. A full-time FTE/term employee is an employee who is scheduled to work at least thirty (30) hours per week. A part-time FTE/term employee is eligible for county benefits if the employee is scheduled to work at least an average of twenty (20) hours per week. The county pays a portion of these benefits according to the Insurance Plans, Flexible Spending Accounts, Health Savings Account and Retirement Plan Policy. Employees must be scheduled to work at least an average of thirty (30) hours per week to be eligible for long term disability insurance. Boulder County employees who retire from Boulder County under PERA and return to work for Boulder County as a PERA retiree are entitled to benefits according to the requirements described on the "Checklist for Rehired Boulder County Employees Receiving a PERA Retiree Pension". The checklist is available on the Human Resources intranet site. Hourly employees are entitled only to those benefits mandated by law including medical leave, unemployment insurance, PERA, workers' compensation, Medicare, Social Security, and those benefits required under the Affordable Care Act (ACA).

EO/DH are responsible for ensuring that hourly employees do not reach or exceed 1,560 hours of work during the county's Affordable Care Act (ACA) 12 month look-back period of October 15-October 14 each year. This includes hours worked during the look-back period as an FTE. If this threshold is reached or exceeded, a supplemental budget request for an FTE must be made, and the office or department may permanently forfeit the hourly budget for the corresponding employee unless otherwise approved by the Human Resources Director.

If an FTE has worked at least 30 hours per week during the look-back period and is hired as an hourly employee with the county without satisfying at least a 13-week break-in-service between the FTE status and the hourly status, the employee is eligible for medical insurance, according to the ACA, for the remainder of the calendar year in which the status change occurred as long as the employee remains employed by Boulder County.

Health, dental, basic life, supplemental life, Section 125 flexible spending accounts, health savings accounts, and short term disability and long-term disability insurance will be effective the 1st day of the month following date of hire as a full-time or part-time FTE/term employee or following the effective date of a status change from an hourly employee to a full-time or part-time FTE/term employee. Voluntary benefits including critical illness and accident insurance will be effective the 1st day of the month following two months of the date of hire or status change. Long term disability insurance will be effective the 1st day of the month following date of hire as a full-time FTE/term employee or following the effective date of a status change from an hourly employee. Benefits must be elected or waived within 30 days of the date of hire, status change, or IRS defined qualified life event (marriage, civil union, divorce, annulment, legal separation, birth, adoption, taking in a foster child, or becoming a legal guardian). Benefit elections can only be changed during open enrollment each fall or as the result of a qualified life event. Changes outside of these defined instances are not allowed.

All county employees are required to participate in Colorado PERA when they are hired.

Explanation of coverage and eligibility for new and rehired employees is detailed in separate insurance pamphlets.

## **SECTION 6 EMPLOYMENT - BENEFITS**

### **NUMBER 6.36 Insurance Plans, Flexible Spending Accounts, Health Savings Account and Retirement Plan**

Boulder County strives to offer attractive benefits to recruit and retain employees, including the following offerings. Summaries of plan descriptions and insurance certificates for these programs are available from Human Resources.

#### **A. Medical/Dental/Vision Insurance**

The county offers employees the opportunity to participate in group medical, dental, and vision insurance plans. The county contributes a portion of the insurance premium for the employee and for eligible dependent(s) based on the employee's number of hours worked. The employee's portion of the insurance premium for themselves and for their eligible dependents is paid through payroll deduction.

#### **B. Basic Life Insurance**

The county offers a basic life insurance plan equal to one-and-one-half times the employee's annual salary. The county pays 75% of the premium and the employee pays 25% of the premium through payroll deduction.

C. Supplemental Life Insurance

The county offers supplemental life insurance for employees, spouses or domestic partners, and dependent children. The employee pays the full premium through payroll deduction.

D. Voluntary Benefits

The county offers critical illness, hospital indemnity, and accident plans as optional voluntary benefits for employees, spouses or domestic partners, and dependent children. The employee pays the full premium through payroll deduction.

E. Short Term Disability Insurance

The policy pays a pretax weekly benefit of 60% of eligible pre-disability earnings reduced by other income benefits. The county contributes 100% of the premium for eligible employees. Approved short term disability runs concurrently with FMLA. If short term disability is denied, the employee may still qualify for FMLA.

F. Long Term Disability Insurance

The policy pays a pretax monthly benefit of 50% of eligible pre-disability earnings reduced by other income benefits. The county contributes 100% of the premium for eligible employees.

G. Flexible Spending Accounts (FSA)

Flexible Spending Accounts (FSAs) allow employees to set aside pre-tax dollars to pay for eligible healthcare or dependent care (daycare, preschool, or elder care) expenses. These are the same expenses many employees are currently paying with post-tax dollars.

H. Health Savings Account (HSA)

The Health Savings Account, or HSA, is a tax-advantaged account intended to help employees pay for out-of-pocket expenses towards meeting you're a deductible and then out-of-pocket maximum. NOTE: The Health Savings Account is only available to employees who have enrolled in an eligible health plan. Employees enrolled in other plans have the option to enroll in a Flexible Spending Account (FSA).

I. Retirement Plan/Colorado Public Employees' Retirement Association (PERA)

PERA membership is required for all eligible employees. In addition to the traditional pension plan, eligible PERA members are covered by short term disability insurance and disability retirement. Members may also take

advantage of voluntary programs such as life insurance, a 401 (k) Plan and a 457 Plan, both with a Roth option and long-term care insurance. All employees contribute to the required pension plan through payroll deduction. Boulder County also makes a monthly contribution.

J. Wellness Program

The county offers all employees and their medical plan-enrolled spouses/partners the opportunity to participate in the county Wellness Program. Employees can further reduce their monthly medical insurance premiums by participating in the wellness program.

## **SECTION 6 EMPLOYMENT - BENEFITS**

### **NUMBER 6.37 Benefits Mandated by State or Federal Legislation**

A. Social Security/Medicare

Social Security/Medicare or F.I.C.A. is a federal insurance program that provides retirement, health, and disability benefits. All employees contribute to this insurance through payroll deduction. Boulder County makes a matching contribution. Employees must have a Social Security Number or proof that they have applied for a number when they are hired.

B. Workers' Compensation

Boulder County employees are covered by the county's Workers' Compensation Program. The full cost of this program is funded by the county. The Workers' Compensation Program is managed by Risk Management.

C. Unemployment Insurance

The county participates in and pays the premium to the State Employment Insurance Program.

## **SECTION 6 EMPLOYMENT - BENEFITS**

### **NUMBER 6.38 Leaves**

All requests for leaves of absence will be made in writing in advance of the leave. Medical and on-the-job injury leaves should be reported as soon as possible. All requests for leaves of absences, except medical and on-the-job injury leaves, require approval of the EO/DH or their designee. Regular approved leave with or without pay is to be reported to HR by submission of an employee timesheet. Note: All leave is paid for out of the office or department budget unless otherwise noted.

The kinds of leave granted are:

A. Vacation Leave

- B. Holiday Leave
- C. Medical Leave
- D. On-the-Job Injury Leave
- E. Bereavement Leave
- F. Jury Duty Leave
- G. Leave for Military Duty
- H. Family and Medical Leave
- I. Leave Without Pay (LWOP)
- J. Sabbatical Leave Without Pay (SWOP)
- K. Public Service Leave
- L. Caregiver Leave
- M. Domestic Abuse Victim's Leave
- N. Declared Emergency Victim Leave
- O. Infants at Work Policy

A. Vacation Leave

Vacation leave is a benefit for all FTE/term county employees. Employees are encouraged to take their earned vacation each year.

B. Holiday Leave

The following holidays are official holidays for employees (except those of the Sheriff's Office who receive a holiday bank due to the nature of their work, and the District Attorney's Office who observe Francis Xavier Cabrini Day on the first Monday in October and omit the Friday after Thanksgiving), subject to annual board resolution and subject to change per board discretion:

1. New Year's Day January 1
2. Martin Luther King's Birthday January (third Monday)
3. Presidents' Day February (third Monday)
4. Memorial Day May (last Monday)
5. Independence Day July 4
6. Labor Day September (first Monday)
7. General Election Day November (first Tuesday after the first Monday, even years)
8. Veterans' Day November 11
9. Thanksgiving Day November (fourth Thursday)
10. Friday after Thanksgiving
11. Christmas Eve

- a. 1/2 Day Christmas Eve (beginning at noon, only if day falls on Tuesday - Thursday)
  - b. Full Day Christmas Eve, only if day falls on Monday.
12. Christmas Day December 25
13. New Year's Eve
- a. 1/2 day New Year's Eve (beginning at noon, only if day falls on Tuesday - Thursday)
  - b. Full day New Year's Eve, only if day falls on Monday.
14. One Floating Holiday

C. Medical Leave

1. Definition. Medical leave is only used in the following circumstances:
- a. The employee
    - aa. Has a mental or physical illness, injury, or health condition that prevents the employee from working
    - bb. Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or
    - cc. Needs to obtain preventative medical care;
  - b. The employee needs to care for a family member who:
    - aa. Has a mental or physical illness, injury, or health condition that prevents the employee from working;
    - bb. Needs to obtain a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or
    - cc. Needs to obtain preventative medical care;
  - c. The employee or the employee's family member has been the victim of domestic abuse, sexual assault, or harassment and the use of leave is to:
    - aa. Seek medical attention for the employee or the employee's relative or step relative to recover from a mental or physical illness, injury, or health condition caused by the domestic abuse, sexual assault, or harassment;
    - bb. Obtain services from a victim services organization;
    - cc. Obtain mental health or other counseling;



- dd. Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault, or harassment.
    - d. Due to a public health emergency, a public health official has ordered closure of:
      - aa. The employee's place of business; or
      - bb. The school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.
    - e. A family member is defined as a spouse, partner in a civil union or domestic partnership, parent, stepparent, child, stepchild, sibling, step-sibling, grandparent, step-grandparent, grandchild, or step-grandchild. A family member also includes a cousin, aunt, uncle, niece or nephew residing in the same household as the employee as well as a person for whom the employee is responsible for providing or arranging health- or safety-related care.
    - f. When an employee must care for another person who does not meet the above definition but is considered a close family member by the employee, the employee may request approval from their EO/DH, who will consult with Human Resources, to determine whether it is appropriate to use medical leave for this purpose.
  - 2. FMLA and Medical Leave. If applicable, Family and Medical Leave (FMLA) will run concurrently with medical leave as described in section H of this policy.
  - 3. Accrual
    - a. FTE and Term Employees

Medical leave is accrued as follows for FTE and Term employees:

      - aa. A full-time salaried FTE accrues eight (8) hours of medical leave for each month employed. Part-time FTE/term employees accrue medical leave based on the percentage of time they work. For example, an employee working 50% time will receive four (4) hours in medical leave.
      - bb. The maximum accrual for medical leave is 480 hours. Part-time employees can accrue a percentage of the maximum allowed based on their time worked. For example, an employee working 50% time can

accrue 240 hours. Exception: Employees who had accrued more than 480 hours prior to January 1, 1984 and Human Services employees who exceeded the maximum as of January 1, 1998 are capped at the number of hours they had accrued up to that date.

cc. FTE/term employees hired on or after June 1, 1987, and Human Services employees, will not be paid for unused hours at termination or retirement. Hours accrued over the maximum will not be reimbursed at the end of the year. Employees hired prior to June 1, 1987 must be reimbursed at the end of each year for any hours in excess of the maximum at 50% of the employee's normal pay rate per hour and will be paid at 100% of the employee's normal pay rate per hour for unused hours at termination or retirement.

dd. To accrue medical for the last month of employment, the employee must work at least 16 calendar days in the pay period and must have paid time (hours worked, vacation, medical, etc.) recorded for more than half of the employee's scheduled hours in the pay period.

b. Hourly Employees

Effective January 1, 2021, medical leave is accrued as follows for hourly employees:

aa. Hourly employees will accrue one (1) hour of paid medical leave for every 30 hours worked, up to a maximum of 48 hour per calendar year.

bb. Basic medical leave begins to accrue on the first day of employment.

cc. Unused accrued medical leave up to the maximum 48 hours will carry forward to the following calendar year. However, an hourly employee may not use or accrue more than 48 hours of medical leave in any year.

4. Payment

a. Medical leave is paid in the following manner:

aa. Medical leave is paid at the same rate of pay as an individual normally earns. Medical leave is reported and paid in minimum increments of 15 minutes.

bb. If a holiday occurs during medical leave, no medical leave is charged for the holiday for FTE and Term employees.

cc. Employees hired on or after June 1, 1987, and Human

Services employees, will accrue medical leave as set forth above but will not be paid for unused hours at termination or retirement.

dd. Employees hired prior to June 1, 1987, except Human Services employees, who retire from the county at age 62 or older, or with twenty years of service, will be paid 100% of all unused medical leave up to the maximum and 50% of all unused medical leave over the maximum.

## 5. Medical Leave as Personal Business for FTE and Term Employees.

FTE and Term employees may request to use their medical leave to attend to personal business. Up to sixteen (16) hours per year can be used for this purpose, which requires approval of the EO/DH or designee in advance of the request.

Employees may not use medical leave for personal business during their initial introductory period. Term employees must have nine months of employment before Personal Business can be used.

Part-time FTE/term employees may use up to sixteen (16) hours of personal business each year based on the percentage of hours worked. For example, the employee working 50% time will be able to use eight (8) hours of medical leave as personal business per year.

FTE/term employees may use up to eight additional medical as personal business hours if in the prior year they use forty-eight (48) or fewer medical leave hours (an employee working 50% time can use no more than twenty-four (24) hours and would be eligible for four additional hours of personal business). The employee must be employed the entire calendar year to receive the additional personal business day. Personal business hours must be used no later than December 31st each year. Each year's personal business hours are configured and applied on January 1st based on the medical usage in the prior year and will be populated in the accruals section of the BC Time timecard on January 1st. Employees successfully completing their initial introductory period will receive personal business hours based on their FTE at the end of the introductory period and every January 1st thereafter.

## 6. Additional Requirements

a. In the event that four or more consecutive medical leave days are taken, or if other circumstances warrant, at the EO/DH's sole discretion, the EO/DH may require certification of the illness or injury from the employee's doctor.

Based upon the length and circumstances of a medical leave of absence, an employee may be requested to provide a physician's verification that the employee may safely return to work. Depending

upon the injury or illness involved, the employee may be entitled to FMLA Leave under the provisions of the Family Medical Leave Act found in section H of this policy.

b. A request to use medical leave may be made to the employee's supervisor orally, in writing, or electronically. When possible, the employee should provide advance notice when the necessity for the leave is foreseeable, and they should make a reasonable effort to schedule use of leave in a manner that does not unduly disrupt business operations. When possible, the employee shall include the expected duration of the absence.

c. An employee, whose physician and/or a physician selected by the county or by Workers' Compensation has determined that the employee cannot return to the employee's previous work responsibilities, may be reassigned at the discretion of the EO/DH to other essential duties within the office/department or may be terminated. An employee who exhausts all available county leaves of absence may be terminated in accordance with Exhaustion of County Leaves of Absence policy. Terminations or reassignments that occur because an employee is unable to return to the employee's previous work responsibilities are not considered disciplinary or punitive.

d. If an employee leaves employment and is rehired within six months, Boulder County will reinstate the amount of medical leave previously accrued by the employee at the time separation up to a maximum of 48 hours.

#### D. On-the-Job Injury Leave

An on-the-job injury is an injury which results directly from the employment or conditions under which work was performed.

Family Medical Leave will run concurrently with on-the-job injury leave for eligible employees (see section H of this policy).

#### E. Bereavement Leave

At the discretion of the EO/DH, FTE county employees may take up to a maximum of 24 hours with pay for bereavement leave in the event of the death of a family member or step relative.

#### F. Jury Duty Leave

FTE/term and hourly employees will not lose regular employment pay or time while serving on jury duty.

#### G. Leave for Military Duty

Military leave applies only to full-time, part-time and term employees. Military leave does not apply to hourly employees when their employment is for a brief

and nonrecurring period and when there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

#### H. Family and Medical Leave (FMLA)

For eligible employees Boulder County grants leaves of absence for the following reasons:

- Employee's serious health condition or pregnancy disability
- Father's/partner's attendance at birth of child
- Parent's care of child following birth
- Placement of a child with employee for adoption or foster care
- Serious health condition of employee's child under 18 years, or older child if disabled
- Serious health condition of employee's spouse, domestic partner, or parent
- Military Family Leave

#### I. Leave Without Pay (LWOP)

An EO/DH may at the EO/DH's discretion, grant an employee leave of absence for up to four months without pay for personal reasons, and for periods in excess of four months with prior approval of HR.

#### J. Sabbatical Leave Without Pay (SWOP)

The BOCC recognizes that some employees may be interested in unpaid time off after exhausting vacation leave balances. Therefore, an EO/DH may at the EO/DH's discretion and considering business needs of the office allow employees with five (5) or more years of continuous employment as an FTE, up to three months without pay for personal, non-medical reasons such as pursuing growth opportunities or extended vacations. The maximum amount of SWOP available, three months, shall be reduced by any time off taken for any other unpaid leave during the prior twelve (12) month period. All vacation leave must be exhausted prior to utilizing this leave. An employee may not have had any disciplinary action within one (1) year prior to application for SWOP to be eligible. SWOP may be taken a maximum of once every five (5) years and may not be utilized intermittently. Vacation and medical time do not accrue during SWOP and holidays are not paid. Boulder County continues medical, dental, and vision benefits for employees enrolled in county health plans while employees are on SWOP. Employees are expected to remain employed with the county for a minimum of one (1) year following utilization of this leave benefit.

#### K. Public Service Leave

In order to promote the importance of public service, Boulder County encourages FTE employees, where allowable, to take up to eight hours (depending on FTE status) of regular work time each calendar year in which to

perform public service with a non-profit partner of Boulder County.

#### L. Caregiver Leave

Caregiver Leave is available to all benefit-eligible employees for the birth, adoption, or care of a relative on an annual basis. A relative is defined as a spouse, partner in a civil union or domestic partnership, parent, child, sibling, grandparent, or grandchild. A relative also includes a cousin, aunt, uncle, niece, or nephew residing in the same household as the employee.

#### M. Domestic Abuse Victim's Leave

A paid leave of up to three working days is available to those eligible employees who are victims of the following statutorily defined events:

- Domestic violence or abuse
- Stalking
- Sexual Assault, or
- A crime found by a court on the record to include an act of domestic violence.

#### N. Declared Emergency Victim Leave

A paid leave of up to the maximum equivalent of 40 hours depending on FTE status is available to those eligible employees who are victims of a declared emergency.

#### O. Infants-at-Work Policy

It is the policy of Boulder County to provide a positive work environment that recognizes parents' responsibilities to their jobs and to their infants by acknowledging that, when an infant is able to stay with a parent, this benefits the family, the employer, and society. The Boulder County Infants-at-Work Program encourages new mothers, fathers, or legal guardians to return to work sooner by allowing the new parents to bring their infant to work with them until the child is mobile. The program is designed to accommodate an individual parent's participation with a single infant. Multiple births will be evaluated on a case-by-case basis.

Each parent shall designate two Alternative Care Providers in the workplace. The Alternative Care Providers will be employees in the same office or department in close proximity who voluntarily agree to care for the infant in the event the parent is unavailable due to attendance at a meeting, participating in a conference call, or a similar work responsibility.

Infants that are disruptive must be removed from the workplace if they cannot be calmed within 30 minutes. If disruption occurs more than three times within a 30 day period, the parent will be required to find alternative arrangements.

Participation in Boulder County's Infants-at-Work Program is a privilege and not a right. Boulder County expressly reserves the right to refuse participation in

the program for any reason or no reason at all or to terminate participation in the program due to business conditions or for no reason at all. Boulder County expressly reserves the right to change or revise this policy with or without notice.

## **SECTION 6 EMPLOYMENT - BENEFITS**

### **NUMBER 6.39 Use of RTD Transit Pass and Regional Vanpool Programs**

It is the policy of the BOCC that Boulder County actively support the use of transit by its employees by providing assistance with both annual and/or monthly bus passes to the extent permitted by state and federal law and by our contract with the Regional Transportation District (RTD).

All full-time, part-time, and term employees shall be issued an annual bus pass (Eco Pass), in accordance with RTD policy on pass distribution.

Only Full-Time/Term (FTEs) and Part-Time/Term (FTEs) employees are eligible. Independent contractors, interns, volunteers, seasonal, Youth Corps, hourly, and senior tax workers are not eligible for the annual pass.

Eco Passes are not transferable and must be returned at the end of employment. Employees are responsible for the use of their pass. EO/DH are responsible for the collection and return of Eco Passes at time of employees' termination.

Employees who are unable to use the bus system due to the location of either their home or work location are encouraged to participate in a vanpool program.

County employees who sign up for a vanpool program will have their monthly vanpool bill paid for by the county in exchange for signing up for a monthly payroll deduction.

County employees are only eligible to have their vanpool paid during months they are employed by Boulder County.

The difference between the actual cost of the vanpool and the payroll deduction charged to the employee is considered a pre- tax benefit by the IRS.

## **SECTION 6 EMPLOYMENT - BENEFITS**

### **NUMBER 6.40 Vacation Cash Out**

At a time designated by HR, employees may request payment of up to 80 hours of vacation leave, pro-rated based on FTE status, at 50 percent of their hourly rate. To be eligible to request vacation cash out, full-time FTE employees must retain at least

80 hours of vacation after utilization of the vacation cash out policy (these required amounts are pro-rated based on FTE status for non-full time FTE employees). Vacation cash out is voluntary, and employees do not need the permission of their supervisor to use the policy. Vacation cash out payments are not includable as PERA wages.

The policy is not intended to encourage employees to forego taking vacation time to rest and rejuvenate. Note that employees may cash out any number of hours up to the maximum allowed. For example, if an employee has 120 hours of vacation accrued, only 40 hours may be cashed out in order to retain 80 hours of vacation accrual.

## **SECTION 6 EMPLOYMENT - BENEFITS**

### **NUMBER 6.41 Line of Duty Death Benefits**

In the event that a Boulder County employee dies in the line of duty, the county will provide medical, dental, and vision benefits to the surviving spouse/partner and dependent children at no charge for a defined period of time.

A "Line of Duty" death is defined as an injury to any employee which occurs during the course and scope of one's employment and results in death. The death must result from the injury and cannot be considered as self-inflicted or the result of being under the influence of prescription or illicit drugs, and/or other substances. Natural deaths which occur while on duty do not qualify for this benefit.

## **SECTION 6 EMPLOYMENT - BENEFITS**

### **NUMBER 6.42 COVID-19 Paid Leave Policy**

On March 24, 2020, the Boulder County Board of County Commissioners adopted a Local Public Health Emergency Policy. This COVID-19 Paid Leave Policy supplements the County's Local Public Health Emergency Policy and is specifically adopted to address COVID-19 and comply with the Families First Coronavirus Response Act (FFCRA), the Colorado Healthy Families and Workplace Act, and other laws and regulations pertaining to the COVID-19 pandemic.

#### **A. Paid Pandemic Leave**

From March 13, 2020 through February 28, 2021, the County provided up to six weeks (240 hours) of paid pandemic leave (prorated for an employee's part-time status) for leave necessitated by COVID-19 reasons to all employees under its Local Public Health Emergency Policy to be used from March 13, 2020 until four (4) weeks after the official termination or suspension of the public health emergency. Effective April 1, 2020, the County updated and



supplemented its Local Public Health Emergency Policy to specifically provide 80 hours of paid sick leave (prorated for an employee's part-time status) as mandated by the FFCRA and 160 hours of paid pandemic leave (prorated for an employee's part-time status) to be taken by employees for leave necessitated by COVID-19 reasons.

On January 1, 2021, employees who have less than 80 hours of accrued paid pandemic leave remaining may supplement the leave available to them for the purposes specified in Sec. 2.39(7) by utilizing up to 80 hours of accrued medical leave for the expanded purposes of paid pandemic leave. Every employee who does not have a total accrued balance of 80 hours (the available hours shall be pro-rated for part-time employees) of any combination of paid pandemic leave and medical leave as of January 1, 2021 shall receive a supplement of paid pandemic leave hours so that the employee will begin 2021 with 80 (or the lesser part-time prorated amount of) combined hours of paid pandemic leave and medical leave. Paid pandemic leave hours may be used until (4) weeks after the official termination or suspension of the public health emergency.

From March 1, 2021 until four (4) weeks after the official termination or suspension of the public health emergency, the County shall provide up to three weeks (120 hours) of paid pandemic leave (prorated for an employee's part-time status) for leave necessitated by COVID-19 reasons to all employees hired on or after March 1, 2021.

Paid pandemic leave is in addition to the federally mandated paid sick leave under the FFCRA. Paid pandemic leave can be used from March 13, 2020 until four (4) weeks after the official termination or suspension of the public health emergency.

Both paid sick leave under the FFCRA and paid pandemic leave can be used intermittently.

#### B. Expanded Family and Medical Leave

The FFCRA also includes a provision that expands the Family and Medical Leave Act (FMLA) to require that, starting April 1, 2020, the County must provide 10 weeks of paid expanded family and medical leave (beyond the two weeks of paid leave required by the FFCRA) at two-thirds the employee's regular rate of pay up to \$200/day where an employee is unable to work due to a bona fide need for leave to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19.

This expanded FMLA coverage applies to any employee who has been employed for at least 30 days before their leave request.

This expanded family and medical leave is available on April 1, 2020; can be used intermittently; and is available to employees until four (4) weeks after the official termination or suspension of the public health emergency. For

employees who do not exhaust all of their expanded family medical leave time by December 31, 2020, the amount of their balance remaining on December 31, 2020 will carry over into 2021 and be available from January 1, 2021 until four (4) weeks after the official termination or suspension of the public health emergency. Unless inconsistent with law, expanded family and medical leave used between January 1, 2021 and June 30, 2021 shall not count toward the employee's FMLA accruals.

Employees may use their own accrued leave (vacation leave, medical leave, paid personal business leave, and/or floating holiday as they choose) to supplement this leave up to the employee's regular earnings.

Employees must apply for FMLA leave as they would for any other circumstances. The required documentation to support the FMLA leave will be significantly decreased.

Expanded family and medical leave taken by an employee between April 1, 2020 and December 31, 2020 to care for their child whose school or daycare provider is closed counts against an employee's entitlement to 12 weeks of FMLA leave in a 12-month period.

#### C. Extended Paid Coronavirus Leave

The County will provide 10 weeks of extended paid coronavirus leave at two-thirds the employee's regular rate of pay up to \$200/day for employees who have exhausted paid sick leave under the FFCRA and paid pandemic leave and are either 1) unable to perform their jobs while county buildings are closed or 2) cannot come to their worksite once county offices open because they meet definition of Vulnerable Individual in the Governor's or Colorado Department of Public Health and the Environment's Orders or because they are 60 or over and cannot work remotely, be reassigned, or otherwise have their job duties modified.

This extended paid coronavirus leave is available to any employee who has worked at least 50 hours in 2020.

This extended paid coronavirus leave is available beginning April 27, 2020; can be used intermittently; and is available to employees until four (4) weeks after the official termination or suspension of the public health emergency. If an employee has used expanded FMLA leave, they are not eligible to also use extended paid coronavirus leave.

Employees may use their own accrued leave (vacation leave, medical leave, paid personal business leave, and/or floating holiday as they choose) to supplement this leave up to the employee's regular earnings.

Employees must apply for extended paid coronavirus leave through a form created by HR and may be required to provide documentation supporting the need for leave.

D. Exhaustion of Paid Leaves

Employees who exhaust the leaves provided for under this policy but still require additional leave can use their own accrued medical leave, vacation leave, paid personal business leave, floating holiday, and/or caregiver leave if they qualify.

E. Expiration of Policy

Unless extended, this policy will expire on four (4) weeks after the official termination or suspension of the public health emergency.

## **SECTION 6 EMPLOYMENT - REIMBURSEMENT**

### **NUMBER 6.45 Travel, Conference, and Special Function Reimbursement**

It is the policy of the BOCC that reimbursement and/or advances to county employees for county travel, conference, or special function expenses be disbursed according to specific procedures. Employee reimbursement should be turned in to Accounts Payable or the office/department payroll coordinator, if appropriate, no later than 60 days following the date the expense was incurred.

The following are considered reimbursable expenditures:

A. Per Diem

Per Diem shall be limited to the federal rate (GSA and DOD) for meals and incidental expenses (defined as laundry, dry cleaning, fees and tips for services) for each day of the activity, including the first and last day of travel calculated at 75% if the travel day is longer than 12 hours.

The GSA and DOD revise per diem rates annually.

The Federal per diem structure is tiered and tied to location.

IRS regulations require that employees return any per diem advanced for days not traveled.

In addition to Per Diem, substantiated ground transportation will be reimbursed.

Ground transportation includes taxis, buses, shuttles and/or use of personal vehicle to and from the airport including parking.

Business telephone calls and internet usage are not considered incidental expense, and employees may be reimbursed for these substantiated expenses in addition to the per diem rate.

B. Conference Registration

Conference registration must be paid to the appropriate vendor, i.e., to the organization sponsoring the conference/seminar.

Early registration for conferences is encouraged to take advantage of discounts offered.

#### C. Lodging

Only single room rates will be reimbursed by the county unless a room is shared by two or more county employees.

If two conference attendees from different governmental entities share a room, the county will pay one-half the double rate.

Reimbursement of expenses will not be made for any non-county personnel traveling with the county employee.

#### D. Travel

Boulder County employees are encouraged, whenever possible, to use alternative modes of transportation such as RTD, to the airport.

#### E. Airfare

Only the most economical fare will be paid by the County.

If for some reason this type of fare is not available, a more expensive fare may be authorized by the appropriate EO/DH or designee. In no instance will first class airfare be paid.

#### F. Personal Vehicle.

1. Reimbursement for the use of a personal vehicle shall be set at a rate determined by the BOCC.
2. County employees are expected to perform their work at one primary worksite (either their home worksite or their office worksite) per day, which will be considered their "Designated Worksite" for that day. This means that if an employee on a hybrid schedule (who works from their home worksite on some days and from their office worksite on other days) chooses to "split" a single workday between their home worksite and office worksite, the travel between their home worksite and their office worksite is considered off-duty time because they choose to do so for personal reasons.
3. Employees will not be reimbursed for travel between their home worksite and their office worksite.
4. Mileage reimbursement will only be provided to employees whose job duties include required work travel to offsite locations. Supervisors must approve mileage reimbursement in advance, and such approval must be because the employee's job duties include required work travel. Mileage reimbursement will be calculated from the employee's Designated Worksite. The employee's supervisor is responsible for maintaining documentation of the employee's Designated Worksite for purposes of mileage reimbursement.

However, if the employee chooses to drive when travel by air is possible at a lesser expense, only the lesser amount will be reimbursed.

Lodging and per diem expenses incurred will not be paid when the employee chooses to drive rather than fly unless the total cost including mileage is less than the lowest unrestricted airfare available.

If included as part of the lowest airfare, baggage and seat selection charges will be reimbursed if necessary, reasonable, and business-related.

#### G. Car Rental

Car rentals require prior approval by the appropriate EO/DH or designee. Should circumstances necessitate a car rental while on county business, the following procedures shall be followed:

5. Ideally, the car should be rented in Boulder County's name.
6. Type of Car. Should be economy or midsize.
7. Driver of Car. Only the driver whose name appears on the rental car contract shall drive the vehicle. Under no circumstances shall another person, especially a noncounty employee, drive the rental car.
8. Insurance Coverage. Coverage is provided through the county's self-insurance program on a limited basis. The employee shall purchase additional collision coverage.

#### H. The Travel Request Approval Form

A Travel Request Approval Form must be completed for travel that requires overnight lodging or out of state travel.

The form must be approved by an EO/DH, or designee.

The Travel Request Approval Form must have all sections completed, have a conference or seminar brochure, agenda, and conference registrations (if available) attached, and be submitted to OFM at least ten days in advance of need.

Reconciliation of actual expenditures to the travel form will be the responsibility of the office/department incurring the expense.

#### I. Advance Payments

Advances can be obtained for per diem, mileage, lodging, airfare, and/or conference registration.

Per diem may only be requested within 30 days of actual travel date.

Per diem and mileage will be paid to the employee, lodging must be paid to the hotel/motel, airfare must be paid to the airline or travel agency, and conference registration must be paid to the organization sponsoring the conference.

Amounts advanced for mileage must be reconciled by the office/department. Any excess advance mileage must be returned to the county.

#### J. Reimbursement

An employee may request reimbursement for travel expenses if the employee

did not receive an advance for travel expenses.

The employee must submit a completed and approved Employee Request for Reimbursement Form and provide receipt documentation to support the reimbursement.

#### K. Local Food Expenses

The cost of local meals for county employees will be considered a reimbursable expense, if reasonable and work related, as determined by the EO/DH. In addition, there must be a member(s) of the public in attendance with a direct relationship to the work being performed during the

meal. (Member of the public will include officials or employees of other entities.)

Any local expenses, including meals and all travel that does not require overnight lodging, must be submitted to OFM, accompanied by itemized receipts and a written summary showing the business purpose of and participants in the activity. Any request for reimbursement that does not list the participants along with the member of the public present and the business purpose of the meal will be denied.

#### L. Banquets and Special Functions

The cost of recognition and farewell parties for employees and volunteers will be considered a reimbursable expense, if reasonable, as determined by the appropriate EO/DH.

The cost of plaques, flowers, gifts or receptions for recognition of county employees or volunteers who are retiring or terminating from county service will be considered a reimbursable expense, if infrequent and of a small value, as determined by the appropriate EO/DH.

The cost of special functions such as open sessions or employee and volunteer recognition other than that specified above will be considered a reimbursable expense, if infrequent and of a small value, as determined by the appropriate EO/DH.

#### M. Expenses Not Allowed

1. Entertainment
2. Liquor
3. Office functions other than described above
4. Expenses for any parking violation or traffic violation tickets

#### N. Vehicle use Reimbursement Limitations

In order to limit the amount of single employee occupant vehicle travel undertaken for county business, the following limitations on employee

reimbursement for personal vehicle mileage and parking are adopted, any other county policies to the contrary notwithstanding:

1. Carpooling or bussing to off-site office events is mandated; no reimbursement of mileage or parking for those who do not carpool, unless there is an "office-related reason" for that, including for meetings in downtown Denver and at the state capitol or to travel to the airport.
2. "Office-related reason" is any office function or work that negates the ability to use longer duration forms of travel, such as juxtaposition of meetings or workload requirements that require more expeditious travel to the workplace than can be accomplished on a public bus, where no carpool is feasible. This would also include work travel that requires carrying voluminous or heavy files or equipment.
3. County vehicle transportation may be arranged if approved by a supervisor.
4. For airport travel, outbound or return trips early in the morning or late at night may require the use of personal vehicle transportation.
5. "Office-related reason" also includes ability/disability considerations
6. "Office-related reason" does not include trips made by personal vehicle transportation for personal convenience or preference reasons.
7. Carpooling generally means a trip with another county employee; however, where the business-related trip is one for which it is anticipated that the employee will bring a spouse, domestic partner, or other family member, such trips will also be considered carpooling.
8. Determination of an "office-related reason" shall be left to the discretion of the EO/DH, or designee.

#### O. Miscellaneous

The issuance of any county commercial credit cards shall be approved in advance by the BOCC. (Commercial credit cards are defined as Visa, MasterCard, American Express, or similar broad purpose charge cards which are not part of the county's p-card program.)

Taxes will be reimbursed to county employees in the amount paid, provided the expenditure is documented by a receipt. Every effort should be made to use vendors with whom Boulder County

has an account, rather than employees making purchases with personal funds, and use of county p-cards is highly encouraged.

## **SECTION 6 EMPLOYMENT - REIMBURSEMENT**

### **NUMBER 6.46 Reimbursement for Use of Vehicles for Commuting**

To be in compliance with current Internal Revenue Service Regulation 99-44 (on file in HR), it is the policy of the BOCC that county employees who use a county-owned vehicle at any time for the purpose of commuting to and from work shall reimburse the county for such vehicle use. Sheriff and Fire vehicles, BOCC, Elected Officials, and designated "on-call" employees are exempt from this policy.

## **SECTION 6 EMPLOYMENT - END OF EMPLOYMENT**

### **NUMBER 6.50 Termination of Employment**

Salaried employees are expected to give at least ten working days' notice and other employees at least four days' notice prior to the effective date of their resignation. This notice must be in writing to the EO/DH or if verbal, documented in writing with a copy sent to HR.

All terminating employees must contact HR to be informed of termination benefits, including continuation of insurance and retirement options. "Last day worked" is defined as the last day the employee is physically on the job. The employee will receive a termination warrant through the last day actually worked, which includes unused vacation time and accrued comp time, and employees hired as salaried employees prior to June 1, 1987, except Human Services employees, will be paid 100% of unused medical leave will be paid 100% of all unused medical leave up to the maximum (480) and 50% of all unused medical leave over the maximum. Holidays occurring after the last day actually worked will not be paid. Accrued leave cannot be used after the last day worked. The employees must work their entire scheduled time on their last day of work. No vacation or medical time can be used on the last day.

To accrue medical and vacation hours for the last month of employment, the employee must work at least 16 calendar days in the pay period or must have paid time (hours worked, vacation, medical, etc.) recorded for more than half of the employee's scheduled hours in the pay period. Employees who are terminating employment with Boulder County will receive their final paycheck through direct deposit.

If an employee leaves employment and is rehired within six months, Boulder County will reinstate the amount of medical leave previously accrued by the employee at the time separation up to a maximum of 48 hours.

## **SECTION 6 EMPLOYMENT - END OF EMPLOYMENT**

### **NUMBER 6.51 Layoff**



These directives from the BOCC to its staff only concerning how to approach layoff decisions. These provisions are not intended to create and do not create any rights to county employees affected by layoff decisions. Failure to comply with related procedures shall not result in the invalidation of any layoff decision. The BOCC is the final authority regarding the proper interpretation of this policy.

Layoffs or reductions in force within county offices/departments for both general-funded and grant-funded employees are permitted in the following circumstances: 1) Changes in office/department mission or scope of work which render current staffing levels excessive; 2) insufficiency of funds necessary to sustain current levels of operation; 3) when a reduction in staffing levels will make the county more efficient.

Offices/departments will not reduce staff by layoff, unless one or more conditions are met as documented by the EO/DH or by the Public Health Administrator and the Board of Health as appropriate. A revised staffing plan clearly indicating alterations in work assignments as a result of the layoff must be part of the required documentation.

Staff subject to an approved layoff will be those determined by EO/DH to be least essential to sustaining optimum levels of operation. Whenever fewer than all employees within a particular job classification series (e.g., Administrative Technician) or a program area are being laid off, the following order for determining layoffs will apply in identifying "least essential" personnel within each job classification series: 1) Hourly employees; 2) introductory employees; 3) term employees and 4) FTE'S.

An FTE being laid off will receive at least a thirty-day notice prior to the actual layoff date, unless the layoff is of a temporary nature (one month or less) due to a cause that could not be foreseen.

A layoff is not a disciplinary action or dismissal, and an employee cannot file a complaint or an appeal concerning the layoff.

FTE'S who have been laid off from county service will be eligible for rehire under the following provisions:

- If within 120 days from the date of layoff an opening of the same classification becomes available within the same office/department from which the person was laid off and the person laid off is fully qualified for the opening, that person will be offered the position.
- If more than one the rehire will be in reverse order of layoff.
- If all persons were laid off on the same date, the criteria for layoff will be used as the criteria for rehire.
- If the laid off employee declines the position, the employee may be eligible for other openings of the same classification. Employees laid off from county service have, for a period of 120 days from the date of layoff, county employee preference for positions within other county offices/departments, provided they meet the minimum qualifications for the opening that exists.
- Laid off employees who return to work within 120 days will continue to accrue medical and vacation benefits at the rate in effect at the time of the layoff.

All employees laid off must contact HR to be informed of termination benefits, including continuation of insurance and retirement options.

## **SECTION 6 EMPLOYMENT – END OF EMPLOYMENT**

### **NUMBER 6.52 Death of an Employee**

In the event of the death of an employee, the final check will be made payable to the estate of the employee and mailed to the employee's recorded place of residence.

## **SECTION 6 EMPLOYMENT – END OF EMPLOYMENT**

### **NUMBER 6.53 Return of County Property**

Any employee leaving county service for any reason must return all county property the employee has. It is the responsibility of the EO/DH or EO/DH's designee to see that all terminating employees have checked in all county property, such as identification cards, badges, uniforms, keys, tools, cameras, manuals, etc.

## **SECTION 6 EMPLOYMENT – END OF EMPLOYMENT**

### **NUMBER 6.54 Exhaustion of County Leaves of Absence**

When an employee exhausts all available county leaves of absence and has chosen not to return to work or is unable to return to the employee's previous work responsibilities or to be reassigned, the employee may either resign or will be terminated once all available leaves have been exhausted. The EO/DH will set up a pre-termination hearing with the employee prior to termination to consider reasonable accommodations

## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.60 Communicable Diseases**

#### **A. Health Education**

Because accurate information regarding medical conditions is essential in order for supervisors and staff to respond appropriately to ill co-workers, the HR Director may direct the provision of information regarding specific diseases to county employees. This information may include facts about the impact of the disease on affected individuals and research findings regarding the risk of transmission of the disease to others. The purpose of such education is to enable the county to maintain a supportive and reasonable approach toward ill employees and to protect the health and safety of employees and the public.

#### **B. Communicable Diseases Readily Transmissible in the Workplace**

Employees with influenza, common colds, or other easily transmissible minor respiratory infections are encouraged to take appropriate medical leave to avoid

further spread of these infections. Because the presence of a serious disease that is transmitted by airborne droplet (e.g., active TB, measles) can pose a threat to the health and safety of employees or the public, the following responsibilities apply to affected employees, their supervisors, and EO/DH:

1. Employee Responsibilities

An employee with a serious, easily transmissible disease such as active TB has the responsibility to remove him/herself from the workplace until the infectiousness of the disease has passed or is controlled by medication. If the possibility exists that co-workers or members of the public have been exposed to the infection in the workplace, the employee has the responsibility to notify the supervisor or EO/DH of the situation.

2. Supervisor Responsibilities

Supervisors shall not disclose the identity of an affected employee to any county employee or other individual except the supervisor's EODH and Human Resources for the purposes of seeking guidance.

3. EO/DH Responsibilities

An EO/DH who is notified of the presence of an affected employee in the EO/DH's department shall not disclose the identity of an affected employee to any county employee or other individual, except that the EO/DH shall notify the Public Health Director so that appropriate contact follow-up can be instigated by the Health Department. EO/DH may contact Human Resources for guidance and the Public Health Administrator for the purpose of gathering information about health concerns.

4. Communicable Diseases Not Readily Transmissible in the Workplace

Serious or life-threatening illnesses that are caused by blood borne or sexually transmitted infectious agents are not readily transmissible through interaction in the workplace. These conditions, including Acquired Immune Deficiency Syndrome (AIDS), are transmitted by blood contamination from the bloodstream of one (1) person to the bloodstream of another and by intimate sexual contact.

5. Employee Responsibilities

Employees infected with blood borne or sexually transmitted infectious agents such as Human Immunodeficiency Virus (HIV) do not pose a threat to the health and safety of employees in the workplace and, therefore, are not required to remove themselves from the workplace or report such a condition to their supervisors.

6. Supervisor Responsibilities

Supervisors who become aware of such a condition by voluntary disclosure or suspect the presence of such a condition shall not disclose the identity or presence of an affected employee, even anonymously, to any county

employee or other individual.

#### 7. EO/DH Responsibilities

EO/DH who become aware of such a condition by voluntary disclosure, disclosure from a supervisor, or suspect the presence of such a condition shall not disclose the identity or presence of an affected employee, even anonymously, to any Boulder County employee or other individual, except:

- a. EO/DH may contact the Public Health Director for the purpose of gathering information regarding specific concerns or educational needs in their offices/departments and information on support services or referrals. The EO/DH will not disclose the identity of the employee to the Public Health Administrator.
- b. EO/DH may consult with the HR Director, for the purpose of gathering information regarding personnel decisions. The EO/DH will not disclose the identity of the affected employee to the HR Director unless the employee specifically consents to such identification.

#### C. Non-Discriminatory Practices

Where an affected employee qualifies under Section 504 of the Rehabilitation Act or under the Colorado Employment Practices Act as a "disabled individual," and where the employee is otherwise qualified to undertake the duties of the position, Boulder County shall not discriminate against the employee on the basis of the disabling condition and shall consider reasonable accommodations that can be made to allow the employee to continue employment.

If an affected employee feels that the employee is being discriminated against, the employee may contact the HR Director. Confidentiality will be maintained.

#### D. Disabling Effects of a Communicable Disease

When a communicable disease affects the health of an employee to the point where job performance suffers, personnel decisions will be made on the same basis as they would be when other serious health problems (e.g., cancer) come to the attention of the supervisor, or EO/DH. As long as affected employees are able to meet acceptable performance standards, and medical evidence indicates that their conditions are not a threat to others in the workplace, supervisors and EO/DH should be sensitive to their conditions and ensure that they are treated consistently with other employees.

#### E. Routine Infection Control Practices

Infectious agents may be present in body substances regardless of whether there are recognizable clinical or serological indications. Therefore, Boulder County has adopted routine infection control practices (on file in the Public Health department). These practices will be followed in all situations of body substance spills involving employees or the public. With routine infection control practices in place, screening programs in the workplace designed for

the purpose of discovering the presence of infectious agents, other than those transmitted by airborne droplet, are unnecessary and unwarranted. Amendments to these practices may also be obtained from the Health Department.

#### F. Provisions for Rights to Privacy

All medical information gained by the county regarding the health status of an employee, including the identity of an employee affected by a communicable disease, shall be treated as confidential. Medical information obtained by the Public Health Administrator shall be used in accordance with public health statutes and HIPAA regulations.

#### G. Employee Refusals to Work With Affected Co-workers or Clients

Boulder County is committed to providing a safe work environment for all employees. Every precaution will be taken to ensure that the health and safety of employees is not threatened by medical conditions of co-workers or clients. In cases involving a communicable disease, determination of safety in the workplace will be made based on reasonable medical judgments given the state of medical knowledge regarding the transmissibility and severity of the disease. Guidance from the Public Health Director will be taken into account.

If a determination is made by Boulder County, after consultation with the Public Health Director or designee, that a medical condition poses little or no threat to health and safety in the workplace setting, the county is not obligated to make any special accommodations for an employee who refuses to work with an affected co-worker or client. Refusal to obey a lawful order is a disciplinary action under the Boulder County Code of Conduct.

#### H. Provision of Services to the Public

Members of the public with a communicable disease who are in need of services from any office/department of Boulder County will not be categorically excluded from services on the sole basis of their health condition.

Decisions regarding the provision of services to members of the public with a communicable disease will be based on medical evidence currently available regarding the transmissibility and severity of the disease.

Individuals with a serious communicable disease that are readily transmissible by interaction in the workplace must follow appropriate Public Health contagion control procedures (e.g., active TB: adhere to prescribed chemotherapeutic regimen to control infectivity). These individuals may be excluded from some services until the infectiousness of their condition has passed or is controlled by medication.

Because county employees will follow routine infection control practices in all situations of body substance spills involving the public, individuals with blood borne diseases (e.g., AIDS) and other communicable diseases that are not readily transmissible by interaction in the workplace require no special

treatment. These individuals will not be excluded from services of Boulder County on the sole basis of their health condition.

Some individuals affected by a serious communicable disease may also be considered "disabled" under the Americans with Disabilities Act and cannot be denied services on the sole basis of their disabling condition.

County employees shall maintain confidentiality of medical information acquired when a member of the public receives services from the county.

## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIRMENTS**

### **NUMBER 6.61 Substance Abuse, Drug and Alcohol Testing**

The purpose of this policy is to protect the health and safety of employees, to maintain high quality service to the public, and to provide a supportive and reasonable approach toward employees who may need assistance.

The unlawful manufacture, distribution, dispensation, possession, or use of alcohol, drug, or controlled substances is prohibited in the county workplace. The workplace shall include all county premises, work sites, and locations where any county employee is present during working hours, including home offices.

No employee may report for work or remain on duty while under the influence or impaired by alcohol, drugs, or controlled substances, including any drug defined as illegal under state or federal law.

Any employee who violates this policy shall be subject to discipline, up to and including termination, and may be required to complete an alcohol or drug abuse assistance or rehabilitation program.

The county may establish a substance abuse program to inform employees about the dangers of alcohol and drug abuse in the workplace, the county policy of maintaining an alcohol and drug-free workplace, available alcohol and drug counseling and rehabilitation programs, and penalties that may be imposed upon employees for alcohol and drug use and abuse.

Employees who have questions or concerns about this policy or violations of this policy should contact their supervisors or HR.

#### **A. Drug and Alcohol Testing for All Employees**

The county has a vital interest in maintaining safe, healthful and efficient working conditions for its employees. Employees who are impaired by alcohol, marijuana, or any legal or illegal drug so as to affect the performance of job duties may pose serious safety and health risks not only to themselves but also to other employees and the public.

Employees are prohibited from being impaired by alcohol, marijuana, or any legal or illegal drug while in the workplace or performing county business.

#### B. Reasonable Suspicion Testing

If a supervisor suspects that an employee is impaired by alcohol, marijuana, or any legal or illegal drug while in the workplace or performing county business, the supervisor should notify the HR Director or designee. The supervisor and the HR Director or designee will complete an impairment survey to document the indicators raising a reasonable suspicion that the employee is impaired by alcohol or drugs. Objective indicators raising a reasonable suspicion that the employee is under the influence of alcohol, marijuana, or any legal or illegal drug may include, but are not limited to, slurred speech, uneven gait, loss of balance or coordination, impaired mental functions, extremely dilated pupils, the smell of alcohol or marijuana, and evidence of alcohol, marijuana, or any legal or illegal drug on the employee's person or in the employee's work vicinity.

Employees may be required to submit to a urine test or other alcohol or drug screening where there is reasonable suspicion that the employee is impaired by alcohol, marijuana, or any legal or illegal drug in the workplace. Testing shall be conducted by the HR Director or designee on site, by a mobile medical facility on site, or at a facility designated by the county. The employee must always be escorted to the screening site by two individuals, one of whom must be the HR Director or designee. In no event shall the employee be authorized to drive to the screening site. See the Drug and Alcohol Testing for Employees with Commercial Drivers Licenses Policy for employees subject to the Hazardous Materials Transportation Act of 1987 and the Federal Motor Carrier Safety Regulations.

#### C. Disciplinary Action

Being impaired by alcohol, marijuana, or any legal or illegal drug while in the workplace or performing county business is a violation of county policy and may result in disciplinary action, up to and including dismissal, even for a first offense. Refusal to submit to drug or alcohol testing may also result in disciplinary action, up to and including dismissal.

#### D. Drug and/or Alcohol Rehabilitation Time

Leave time taken for rehabilitation shall conform to current leave policies.

#### E. Confidentiality

All drug testing information shall be maintained by the county in confidential medical files in HR, which shall be separate from personnel files.

#### F. Drug and Alcohol Testing for Employees with Commercial Drivers Licenses

In order to comply with the Hazardous Materials Transportation Act of 1987

and its implementing regulations (Section 43-6-108(1) C.R.S., 8 CCR 1507-9) and the Federal Motor Carrier Safety Regulations and Appendix E, Schedule II through V, the county adopts the following policy concerning drug and alcohol testing which shall be distributed to all county employees who are required to possess a commercial driver's license.

County employees, who are subject to federal or state drug testing requirements, shall be informed of the drug testing requirements by their supervisors and provided a copy of this policy.

Employees who are subject to this policy, shall be tested for controlled substances as defined in 49 CFR Part 40 (marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP)) and for alcohol.

The employees subject to this policy shall be subject to random, reasonable suspicion and post-accident testing.

Random testing shall be conducted annually or on such other schedule prescribed by the State of Colorado or the United States Department of Transportation.

Reasonable suspicion testing shall be permitted based on specific, contemporaneous, articulate observations concerning the appearance, behavior, speech or body odors of the driver, or any additional criterion set forth in the Federal Motor Carrier Safety Regulations.

Post-accident testing is required after any accident in which there is loss of human life, or a moving traffic violation is received by the employee.

Testing shall be conducted at a facility designated by the county. All employees subject to this policy shall be given the opportunity to report the use of prescription and over-the-counter drug use to the county and shall have the right to request a portion of the specimen to be retested, at the employee's expense, at a licensed laboratory chosen by the employee.

#### G. Controlled Substances

An employee who tests positive for controlled substances, as set forth in the Federal Motor Carrier Safety Regulations, will be scheduled for a pre-disciplinary hearing and may be subject to immediate termination without lesser disciplinary measures.

#### H. Alcohol

An employee who tests positive for alcohol will be scheduled for a pre-disciplinary hearing and may be subject to immediate termination without lesser disciplinary measures.

If the employee refuses to follow any disciplinary conditions for continued employment or refuses to submit to a drug or alcohol test, employment with the



county will be terminated. All terminations shall comply with the procedural requirements of the Boulder County Personnel and Policy Manual.

Leave time taken for rehabilitation shall conform to current Boulder County policies.

Upon return to work, the employee will be subject to drug testing at any time for a period, not to exceed sixty (60) months.

Any employee failing an alcohol test after completing a rehabilitation program may be subject to immediate termination. All terminations shall comply with the procedural requirements of the Boulder County Personnel and Policy Manual.

All drug testing information shall be maintained by the county in confidential medical files, which shall be separate from personnel files.

## **SECTION 6 EMPLOYMENT - CONDITIONS AND REQUIRMENTS**

### **NUMBER 6.62 Employment Eligibility in the United States**

All new employees hired or former employees rehired must be willing and able to present, upon request and within three days of hire, current proof of their eligibility for employment in the United States as provided under the Immigration Reform and Control Act of 1986.

## **SECTION 6 EMPLOYMENT - CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.63 Outside Employment**

- A. Employees of the county may accept outside employment if the following conditions are met:
1. There is no conflict with assigned working hours.
  2. The employee with an outside business may not advertise for customers or solicit employees with discounts during working hours or use county communication tools or equipment.
  3. The employee's efficiency at the county is maintained.
  4. There is no conflict of interest, including but not limited to a conflict of interest as defined in Policy 6.47 "Conflict of Interest." Examples of outside employment activities that may create a conflict include those that:
    5. Involve employment with a firm that has contracts with or does business with the county;
    6. Involve the use or disclosure of confidential county information; or may reasonably be perceived by members of the public to conflict with the employee's public service duties.

Each office/department may define the policies regarding outside employment more specifically than the above conditions; however, such definition must be in writing and on file in HR.

If the EO/DH determines that outside employment does not meet the above conditions, the employee may be required to terminate either the outside employment or employment with the county.

## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.64 Political Activities**

The BOCC encourages county employees in matters of responsible citizenship and does not by these provisions intend to interfere with the conduct of county employees engaged in political activity, so long as those activities are confined to hours when the employee is not on duty and that the activities do not impair the employee's efficiency or the efficiency of fellow employees at their county job. Elected Officials are exempt from this policy.

Employees are not to campaign while wearing their county uniform, logo, or insignia or while in county vehicles. Employees whose principal employment is in connection with federally financed activities are subject to all applicable federal restrictions on political involvement, such as the Hatch Act, 5 U.S.C., Section 1501, et seq., and regulations adopted by the federal government, such as those in 5 C.F.R. Part 151, which include the following:

Covered employees may not use their official authority or influence for the purposes of interfering with or affecting the results of elections or nominations for office. They may not coerce, attempt to coerce, command, or advise other employees to pay, lend, or contribute anything of value to a party committee, organization, agency, or person for political purposes.

Covered employees may not be candidates for public office in any partisan election. This restriction does not apply to Governors or Lieutenant Governors, mayors of cities; duly Elected Officials of executive departments of state or municipal merit or civil-service system, or individuals holding elected office.

## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.65 Conflict of Interest and Acceptance of Gifts**

As public servants, Elected Officials and employees are stewards of the public trust, entrusted with and responsible for the property and resources of Boulder County, and shall carry out their duties for the benefit of the people of Boulder County.

The residents of Boulder County are entitled to have a fair, ethical, and accountable local government that has earned the public's full confidence for integrity. Elected Officials and employees must always perform their duties with the best interests of

Boulder County in mind, and not for any personal interest or for the interest of family, friends, or business and political associates.

Governmental decisions and policies are made utilizing the proper channels of the government structure, free of coercive or other improper influence. To gain and retain public confidence in government operations, Elected Officials and employees must avoid even the appearance of impropriety.

All Boulder County offices/departments, agencies, employees, and volunteers shall comply with this policy. The provisions of this policy shall apply in addition to all applicable federal, state and local laws relating to conflicts of interest and ethics including, but not limited to, the Colorado Constitution, Article XXIX, Colorado Revised Statutes § 24-18-101, *et seq.*, and all rules, regulations, policies and procedures of Boulder County, including any ethical code or policy adopted by an Elected Official that is applicable to employees of that Elected Official.

#### A. Conflicts of Interest

No Elected Official or employee should have any direct or indirect interest, financial or otherwise, engage in any business or transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of their duties in the public interest.

1. Misappropriation of County Resources: Elected Officials or employees shall not misappropriate to themselves or to others the property, services or other resources of the county for private purpose or other compensated non-governmental purposes.
2. Favoritism or Improper Influence: An Elected Official or employee shall guard against any relationship which might be reasonably construed as evidence of favoritism, coercion, unfair advantage, or collusion in the performance of official duties. Elected Officials and employees should not act in a manner that creates by their conduct a reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the performance of official duties, or that they are affected by the kinship, rank, position or influence of any party or person.
3. Privileges or Exemptions: Elected Officials or employees should not use or attempt to use their official position to secure privileges or exemptions for themselves or others.
4. Contracting & Transacting Business:
  - a. Sale or Purchase of Goods or Services:
    - i. Elected Officials or employees shall not, in their official or private capacity, offer for sale or sell goods or services to the county, except as permitted in Purchasing Policies and Procedures.
    - ii. Elected Officials or employees shall not, for their own private

purposes, directly or indirectly obtain goods or services for anything less than fair market value from any contractor or vendor that performs work for Boulder County.

b. Transactions on behalf of Boulder County: Elected Officials or employees should not engage in any transaction as representative or agent of Boulder County with any relative, business associate, or business entity in which they have a direct or indirect financial interest, except as permitted in Section 9 Purchasing Policies and Procedures.

c. Disclosure of Conflict Required: An Elected Official or employee exercising any substantial discretionary function in connection with a county contract, purchase, payment, or any other financial or monetary transaction who is a director, president, general manager or similar executive officer or who owns or controls, directly or indirectly, a substantial interest in any business or entity participating in the transaction, shall give 72 hours written advance notice of the conflict to the BOCC. Failure to disclose a conflict of interest may be grounds discipline up to and including immediate termination, and the employee may be charged according to C.R.S. Section 18-8-308, as amended.

5. Personal Investments & Business Ventures: Elected Officials or employees should not acquire or hold an interest in any business or undertaking which they have reason to believe may be directly involved in decisions to be made by them or which will otherwise create substantial conflict between their duty in the public interest and their private interest.

6. Confidential Information: Elected Officials or employees shall not use any confidential information received by virtue of that person's office or employment for any private purpose, including but without limitation to commercial purposes, financial gain, or present or future employment. Elected Officials or employees may only use confidential information in the conduct of their official county duties.

## B. Gift Ban Policy

For the purpose of this policy, "gift" shall mean anything of monetary value for which consideration of equal or greater value is not made. The term includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as a county employee. The term "gift" shall not include tokens of award (such as a plaque, memento, or trophy), informational materials related to the recipient's performance of official duties (such as a book, pamphlet, or periodical), or unsolicited items of nominal or trivial value (such as a pen, note pad, or calendar).

In accordance with the Colorado Constitution, Article XXIX, no Elected Official, employee, volunteer, or immediate family member of any Elected Official,

employee or volunteer may directly or indirectly solicit, accept or receive in any calendar year any gifts or other things of value totaling an amount greater than the amount set by the Colorado Independent Ethics Commission, which is \$65 for the period 2019-2023, without providing consideration of equal or greater value. Gifts include but are not limited to loans, rewards, promises or negotiations of future employment, favors or services, honoraria, travel, entertainment, and special discounts. Exceptions recognized by Colorado law are recognized by the county.

No Elected Official, employee, volunteer, or immediate family member of any Elected Official, employee or volunteer shall directly or indirectly receive a gift regardless of the value where such gift is given with the intent or appearance of influencing, or as a reward for, the person's official actions or duties for Boulder County.

No Elected Official, department, office, or employee shall accept any gift, including food and beverage, from any vendor, applicant, person or entity doing business with that department office, or employee. An Elected Official, department, office, or employee may accept a gift from a person or entity with no pending or regular business before it only if it is valued at less than the current statutory gift limit and is placed in a common area to be shared by all employees of the department or office.

In addition to any other disciplinary action, an employee, or department, or office that accepts a gift in violation of this policy will be required to return the gift to the donor or, if the gift is of such a nature that it cannot be returned, to compensate the donor for the full monetary value of the gift.

Exceptions (based on the Colorado Independent Ethics Commission Position Statement 08-01) - Employees, volunteers, and immediate family members of employees and volunteers may accept the following items from vendors or other donating parties:

1. Prizes of any value from vendors or other parties so long as prizes are attained with no influence by the donor or are otherwise random (i.e. raffle prizes or lotteries).
2. Prizes of any value won in a fair and open competition, including competitive scholarships, research projects, or other contests.
3. Payments or honorariums from vendors and other parties as reasonable compensation for services not provided in the employees official duties, such as speaking at a conference, or writing publications, including payment of reasonable travel costs related to the event.

#### C. Remedies for Violations

Any Elected Official or employee who violates the Colorado Constitution or Colorado statutes as reflected in this policy may be fined or prosecuted, in any manner provided by law.

Any employee or volunteer who accepts a gift in violation of subsection B of this policy shall forfeit said gift to the BOCC for the use and benefit of Boulder County, except where the donor has any pending business or application before the BOCC. In such case, the gift shall be returned to the donor. Where the violation is found to be intentional, an employee shall be subject to disciplinary action up to and including termination and a volunteer may be dismissed from service to Boulder County.

## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.66 Use of County Equipment and Employee Work Product**

- A. Each employee is responsible for the proper care, maintenance and condition of any county property assigned to the employee. Loss or damage of county property shall be reported to the appropriate supervisor within 24 hours of the loss or damage to ensure necessary equipment is replaced or fixed in a timely manner.

County tools and equipment are intended to be used only for county work and are not available for personal use.

County office supplies and materials, including letterhead, envelopes, postage, and business cards are to be used for business-related communication only. The copier, fax, and other business equipment and supplies should be limited to county business use.

County computers may be used for personal use outside of the employee's working hours if there are no modifications made or harm done to the equipment, and all software used meets licensing and copyright laws. Refer to the Computing Security Policy.

Mobile phones that are supplied to employees by the county for business purposes may be used for occasional personal calls during the employee's working hours. The employee is responsible for any incurred charges if the calls are not work related.

The use of county communications vehicles such as the intranet must be related to county business.

All work product of the employees of Boulder County produced while on county time is the exclusive property of Boulder County. Employees are required to take such steps as may be necessary or as directed to preserve and protect such property from use by unauthorized persons and from competing claims of ownership. To the extent such work product is copyrightable; employees are required to assist the county in obtaining such protection.

## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.67 Hours of Work**

All offices/departments will designate hours to be open to the public.

#### **A. Flex-Time**

Flex-time work schedules may be set by EO/DH or their designees.

#### **B. Attendance**

Good attendance on the part of all employees is very important to both the county and the employee. It helps the county provide the essential public services to its members of the public. Therefore, all employees are expected and required to be at work when scheduled unless they are excused by their supervisor.

#### **C. Absence/Tardiness**

All employees are required to notify their immediate supervisor (or supervisor's designee) when they are going to be absent or late. Such notification should be given as far in advance as possible and no later than one (1) hour after the employee's normal starting time. This allows the supervisor to schedule the absent employee's work among other employees. Employees who fail to notify their supervisor and are absent from work for more than one (1) day without prior approval are subject to discipline up to and including termination.

#### **D. Inclement Weather and Declared Emergencies**

In extreme weather situations and declared emergencies, the BOCC may declare county offices closed. Announcement of closures will be made on the county website, local radio and television stations, emergency alert text messaging and the Emergency Closure Information Line (303- 441-3800).

Emergency County Closure pay is authorized under the following guidelines:

1. If the closure is authorized before the administrative offices' start time of 8:00 a.m., benefits-eligible employees will be paid Emergency Closure pay for their regular scheduled work day.
2. Hourly employees do not receive Emergency County Closure pay.
3. Employees who work on a day when county offices are officially closed for inclement weather will not be compensated in addition to their regular pay for the closure.
4. If an early closure is authorized during a regular business day, benefits-eligible employees will receive Emergency County Closure pay for the remainder of their scheduled work hours for that day.
5. Benefits-eligible employees, who are on a flexible schedule are not required to report to work earlier than the authorized delayed start time.
6. Employees not scheduled to work when the closure is authorized, because

they are using any paid leave such as Personal Business, Floating Holiday, medical leave or vacation will be charged personal leave time as though the offices had remained open.

7. Benefits-eligible employees, who for personal reasons wish to leave work early or come in late during severe weather conditions, may do so with permission from their supervisor and will be charged vacation time, personal business time or will use accrued compensatory time off for the time they are absent from work.
8. Employees who are not authorized in advance to telecommute and who remain home due to weather conditions when a closure has not been authorized, will be charged vacation time, personal business time or accrued compensatory time off for a regular scheduled day. If an early closure is later authorized, employees who did not come to work due to weather conditions will only be charged leave until the time the closure is effective.
9. Crews tasked with snow removal and 24/7 public safety positions do not receive Emergency County Closure pay and are expected to provide those essential services during county closures.

#### E. Rest/Meal Periods

In addition to an unpaid mid-shift lunch break, employees are entitled to a fifteen (15) minute break during each half of their working day. Nonexempt employees may not work during their lunch break. Although occasional exceptions may arise, these breaks are not to be used to shorten the work day.

While specific procedures concerning these breaks are established by the EO/DH or the employee's supervisor, an unpaid mid-shift lunch break is provided if the work shift is at least 6.5 hours in length.

Specific procedures concerning these breaks are established by the EO/DH or the employee's supervisor.

#### F. Extra-Curricular Activities

Employees may not engage in outside business activities during their county working hours.

#### G. "On-call"/Shift Employees

Policies regarding "on-call" and shift employees are established by the EO/DH. A copy of such policies is to be on file in HR

## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.68 Remote Work Policy**

#### A. Introduction



Remote work is a means of doing part, or all, of a job away from the county work site. The option for employees to work remotely is dependent on their specific job duties, their ability to provide service to the public, the necessity to interact with the public or other employees in person, and the ability of the employee to meet the schedule and technical requirements outlined in Section C below. Therefore, remote work is not an option for every position or employee. The EO/DH determines if a specific position meets the criteria for remote work and is responsible for managing employees eligible for remote work in their respective office or department. EO/DH may refuse remote work requests and may terminate a remote work arrangement at any time. Employees are not required to work remotely except in cases of emergency.

## B. Definitions

Remote work encompasses three different options:

### 1. Hybrid Remote Work

Employees work some portion of their schedule onsite and some portion away from a county work site. EODH, or their designees, must review and approve the employee's request.

- a. Employees who work 50% or more remotely may be required to share a workspace when they work onsite.
- b. County Employees are expected to perform their work at one primary worksite (either their home worksite or their office worksite) per day, which will be considered their "Designated Worksite" for that day. This means that if an employee on a hybrid schedule (who works from their home worksite on some days and from their office worksite on other days) chooses to "split" a single workday between their home worksite and office worksite, the travel between their home worksite and their office worksite is considered off-duty time because they choose to do so for personal reasons.

### 2. Temporary Out of State Remote Work

Employees work out of state for more than one month, but less than six months, and must sign a Memorandum of Understanding (MOU) with their EODH regarding this work arrangement addressing the conditions of work, requirements for maintaining regular communication and other matters that are necessary to do the job effectively. Employees may not work out of state more than six months per calendar year and must be domiciled or maintain a permanent place of adobe in Colorado. Employees must utilize their Colorado address in the county's timekeeping system while they are working out of state. Employees who work less than one month out of state do not need to sign an MOU as long as the short-term arrangement is acceptable to their supervisor.

### 3. Full-Time Remote Work

An EO/DH may allow a small number of Boulder County employees

to remote work on a full-time basis. Such employees will not have a designated workspace onsite. Employees may be required to report for onsite work by their EO/DH or supervisor.

### C. Policy

Remote work is a cooperative arrangement between an EO/DH or their designee, an employee, and the county, not an entitlement or benefit, and is based on the needs of the job, workgroup, the county's needs, and the employee's past and present levels of performance. Boulder County values collaborative teamwork and wants to provide significant opportunities for in-person interaction.

- a. Each EO/DH will determine the level of in-person interaction necessary to provide reasonable opportunity for in-person collaboration, relationship development and team building.
  - b. Each EO/DH will ensure that any required business with the public meets the needs of the public.
  - c. EO/DH may adapt remote work schedules to address public concerns about service availability or changes in business needs.
1. Remote work does not change the basic terms and conditions of employment as a Boulder County employee.
  2. Remote work may be terminated at any time.
  3. Remote workers must be accessible by phone, email, or other communication platforms during their regularly scheduled work hours. The remote worker must have a reliable, high-speed internet connection.
  4. Confidential and personal information (Social Security numbers, credit information) must not be removed from the office or accessed through the county's network unless approved in advance by the EO/DH, or their designees. Employees will not reproduce confidential or personal material at home and will take precautions to ensure that confidential and personal information remains confidential.
  5. No original county records can be removed from county offices without prior written approval of the EO/DH, or their designee.
  6. Any changes to the work schedule or the home workspace must be reviewed and approved by the supervisor and manager in advance.
  7. Employee's salary, job responsibilities, benefits, and county-sponsored insurance coverage do not change as a result of remote work. Remote work is subject to the same county policies, timesheet recording, Substance Abuse Policy and federal regulations, including the Fair Labor Standards Act, as work done on county premises.
  8. Remote workers are subject to Reasonable Suspicion testing. Employees who refuse Reasonable Suspicion testing in their remote

work location may be subject to discipline, up to and including termination.

9. Remote workers will be evaluated based on their ability to manage work performance in a manner that allows them to fully meet their job responsibilities. In general, remote workers should not be responsible for anyone who requires continual care during regularly scheduled work hours.
10. Remote workers responsible for an infant during regularly scheduled work hours must have an approved Infants at Work plan in place. Employees working remotely may be required to substantiate arrangements for the care of others requiring special attention during scheduled work hours.
11. Remote workers must comply with the county's cyber-security policy.
12. An employee may not engage in other employment during working hours, in accordance with the [Outside Employment Policy](#).
13. Violation of this policy may result in disciplinary action, as described in the [Disciplinary Actions to be Based on Cause Policy](#).

#### D. Equipment

The county provides laptops and other IT equipment for remote work. This equipment must be returned upon termination. Office furniture, such as desks, chairs, and filing cabinets may be purchased by the county based on employee need and will become the property of the employee. The county will not purchase or provide telephone lines or high-speed internet to an offsite work location. The county is not responsible for any loss, damage or wear to employee-owned equipment used for remote work.

## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.69 Smoking/Use of Tobacco on County Property and Vehicles**

Boulder County is committed to providing a healthy, safe, and supportive work environment for employees and visitors.

It is the policy of the BOCC that no smoking or use of tobacco products will be allowed in any county buildings, county vehicles, or on county campuses.

Smoking and use of tobacco products includes the use of smokeless tobacco products as well as smoking which is defined as inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant, electronic smoking device or other combustible substance in any manner or in any form, regardless of its composition. Food and Drug Administration (FDA) approved medications or devices for tobacco cessation are exempt from this policy.

All Boulder County campuses have been designated as smoke and tobacco free in order to protect clients, visitors, and staff from the harmful effects of secondhand smoke and exposure. Smoking and the use of tobacco products on these campuses is prohibited.

EO/DH may make provisional exceptions to this policy should there be limited circumstances in which a smoke and tobacco free campus is interfering with normal operation of county business. The EO/DH must file any exceptions to this policy with BCBS and HR.

## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.70 Social Media**

This policy is to identify the criteria and conditions by which Boulder County employees use and post information on county-branded/sponsored social media websites.

Social media can be an effective way to publicly share information regarding county government services, policies, and activities with a diverse set of audiences. It can also be used to engage with our residents and solicit feedback and input on county programs.

As such, employees may use county-branded/sponsored social media accounts to post information that is consistent with and is designed to advance the strategic communications goals and official purposes of the county.

Note: Using social media to repost externally generated sources of articles and information should be used sparingly. By too frequently posting information on our own sites that is publicly available through other outlets, we risk diluting our county brand and losing followers who seek to obtain original content from our social media posts.

All requests for a department or program to create a profile/page on a social media platform must be approved by EO/DH or their designee, and notification must be sent to the Public Information Group (Boulder County's internal group of communicators) at #PIG. Policies specific to individual offices/departments have been and may continue to be adopted to address goals and processes unique to individual offices/departments. Furthermore, the EO/DH or designee should make certain that all social media platforms are regularly monitored for proper usage of this policy.

Boulder County supports open dialogue and the exchange of ideas. Boulder County is not responsible for the availability of these outside resources or their contents, nor does it endorse, nor is it responsible for any of the content, advertising, and products.

The same principles and guidelines that apply to Boulder County activities in general, as found in the Boulder County Personnel and Policy Manual, apply to Boulder County activities online (see especially II.20 Electronic Mail). This includes forms of online publishing and discussion, including blogs, wikis, file-sharing, photos/images, user-generated video and audio and social networks.

All use of county-managed social media must comply with applicable federal, state, and county laws, regulations, and policies, as well as proper business etiquette. Staff administrators should ensure all posts are accurate and reflect the philosophy and policies of the department or program it represents. Individual users are responsible for knowing and abiding with these rules.

## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.71 Emergency Response and Recovery Responsibilities for Boulder County Employees**

#### **A. Policy Statement and Policy Purpose**

Boulder County organizes, coordinates and directs available resources toward an effective response to, and recovery from, emergencies. The Boulder Emergency Operations Plan (Boulder EOP) describes the structure and guidelines for managing a major emergency or disaster affecting Boulder County. The Boulder EOP provides a basis for the coordinated planning and management of the types of emergencies and disaster events most likely to occur in Boulder County. All participating agencies, departments and enterprises tasked in this plan are responsible for developing and maintaining the standard operating procedures and training necessary for implementing the assigned duties and functions of the Boulder EOP.

The purpose of this section is to set forth responsibilities of Boulder County employees for responding to a major emergency or disaster affecting Boulder County. Policy regarding specific emergency response and recovery components is addressed in the Boulder EOP.

#### **B. Responsibilities of all Boulder County employees**

Boulder County employees, both directly and indirectly, play an important role during emergencies and disaster events. Some employees are trained to perform specific roles during disasters, while others must support the ongoing work of the department so emergency workers are able to fully take on response and recovery responsibilities. Specific responsibilities include:

1. Participate in emergency response and recovery trainings as directed
2. Demonstrate flexibility and initiative to help support the workload for employees serving in emergency response and recovery roles
3. Work as needed to serve in an emergency response and/or recovery role, as defined by employee's supervisor and EO/DH
4. Practice situational awareness during an emergency ("Paying attention to what is going on around you")
5. Demonstrate willingness to flex work hours to accommodate organizational

needs during an emergency and post emergency

6. Accept reassignment to another work function either temporarily or permanently, as directed by your supervisor and EO/DH

## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.72 ABUSE PREVENTION**

Boulder County seeks to create a welcoming and nurturing environment and has zero tolerance for those whose actions may jeopardize the safety, health or welfare of anyone, but specifically minors. This policy is intended to establish specific criteria for the prevention of abuse of minors by any County employee or volunteer. A minor is defined as anyone under the age of 18.

Because it takes many forms, abuse can be broken down into the following subtypes, all of which are prohibited by this policy:

- Physical abuse: Injury inflicted on a minor.
- Sexual abuse: Contact or activity of a sexual nature between an adult and a minor.
- Emotional abuse: Mental or emotional injury inflicted on a minor by the actions of an adult.
- Neglect: Failure to provide reasonable care for a minor, including, but not limited to adequate food, clothing, shelter, medical care, or supervision that a prudent caregiver would take.
- Economic abuse: Deliberate misuse of the money or belongings of a minor.

This policy has two primary components. The first is a requirement for those Boulder County Departments whose employees and/or volunteers have contact with minors during the course and scope of their employment or volunteer service to implement specific personnel screenings for employees and volunteers. The second is a statement of conduct regarding employees' and volunteers' interactions with minors and an acknowledgement of the same by employees and volunteers.

#### **A. Personnel Screenings**

The County will implement safeguards in the hiring process to eliminate from consideration any candidates who display characteristics that could classify them at a high risk for violating this policy.

All information collected about a candidate will be reviewed and used to determine if he or she is qualified for the respective position. A conviction of any of the offenses described in C.R.S. § 27-90-111(9)(b) shall disqualify a person from employment or serving as a volunteer. A conviction of any of the offenses described in C.R.S. § 27-90-111(9)(c) shall disqualify a person from employment or serving as a volunteer if less than ten years have passed since the conviction and may disqualify an individual even if a longer time has

passed. Other convictions may also disqualify a potential employee or volunteer such as those involving financial exploitation or criminal fraud. Any questions about criminal history checks shall be directed to Human Resources.

If an individual is hired, all information collected during the hiring process will be included in the employee's permanent file, which will be maintained over the course of their employment with Boulder County.

Personnel screenings are required regardless of current employment status with Boulder County. Employees seeking to transfer into a position that involves working with minors must undergo the same review process as new hires. Some Boulder County Departments may have additional screening requirements for some positions.

#### B. Statement of Conduct and Acknowledgement of the Same

In an effort to provide a safe and healthy environment for all, the following statement is meant to guide Boulder County employees and volunteers during their interactions with minors. This statement does not and cannot outline every situation that may be encountered while on the job, requiring employees or volunteers and minors to act with a certain degree of personal discretion. Because a certain action is not prohibited in this section does not mean it is acceptable behavior. Boulder County reserves the right to take disciplinary action against employees and volunteers whose actions are found to be inappropriate regardless of whether they appear in this section.

*Employees and volunteers shall treat all minors with respect and consideration, regardless of sex, race, religion, sexual orientation, national origin or economic or social status. All efforts must be made to avoid favoritism or the appearance of favoritism. Additionally, employees and volunteers shall not use harsh or inappropriate language with minors, and shall avoid restraining minors in any type of restraint device excluding car seats, booster seats and seat belts. Furthermore, employees and volunteers shall not engage in sexual contact with minors, or undress, shower or bathe in the presence of minors. In addition, employees and volunteers shall not discuss their sexual history, preferences or fantasies with minors, or engage in the use of pornographic materials or other sexually oriented materials in the presence of minors, or share sleeping locations with minors.*

If you have any uncertainty or questions regarding the content of this policy, you are required to consult your supervisor prior to signing and agreeing to this Abuse Prevention Policy.

## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.73 Employee Protection from Reprisal**

## Notice to Employees Regarding Protection from Reprisal for Disclosure of Certain Information in Connection with Federal Grants and Contracts

The county, as a grantee of federal funds, provides the following notice to county employees pursuant to 41 U.S.C. § 4712, which provides protections for employees against reprisal for certain whistleblowing activities in connection with federal grants and contracts.

- A. An employee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information to any of the persons or bodies described below that the employee reasonably believes is evidence of any of the following:
  - 1. Gross mismanagement of a federal contract or grant
  - 2. Gross waste of federal funds
  - 3. An abuse of authority relating to a federal contract or grant. (“Abuse of authority” is defined by 41 U.S.C. § 4712(g)(1) as an arbitrary and capricious exercise of authority that is inconsistent with the mission of the federal awarding agency or the successful performance of a contract or grant of such agency);
  - 4. A substantial and specific danger to public health or safety; or
  - 5. A violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
  
- B. The statute’s protections cover employees who disclose the type of information described above to certain covered persons and bodies identified as:
  - 1. A member of Congress or a representative of a committee of Congress
  - 2. An Inspector General
  - 3. The Government Accountability Office (“GAO”)
  - 4. A federal employee responsible for contract or grant management at the relevant agency
  - 5. An authorized official of the Department of Justice or other law enforcement agency
  - 6. A court or grand jury
  - 7. A management official or other employee of Boulder County who has the responsibility to investigate, discover, or address misconduct.

An employee who believes that they have been subjected to reprisal for disclosing information as described above may submit a complaint to Inspector General of the federal agency involved. A complaint must be submitted no more than three years after the date on which the alleged reprisal took place.



## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.74 Critical Incident Response Team**

The BOCC encourages all Boulder County employees and departments to collaborate with each other when possible in order to enhance Boulder County Government's ability to provide the best in public service.

#### **A. Critical Incident Response Team ("CIRT")**

The BOCC believes that it is essential that Boulder County employees from all offices/departments work together in responding to incidents that compromise the ability of any office/department to provide public service at the highest level. To facilitate collaboration between offices/departments in responding to Critical Incidents (i.e. incidents that are not life or limb emergency and are not within the scope of Boulder County's Emergency Operations Plan, but nonetheless impair one or several offices/departments' ability to provide the highest level of public service), the BOCC will create and maintain a CIRT, comprised of department heads and/or supervisory personnel who have the requisite skills to coordinate effective and strategic responses to Critical Incidents.

In the event that one office/department experiences what it believes to be a Critical Incident for which assistance from outside the office/department would be helpful, the following procedures will apply.

1. The EO/DH of the affected office/department will inform the CIRT.
2. The CIRT will convene, either in person, by telephone, or other electronic means, and discuss whether the incident can be resolved expeditiously and with only a minimal amount of additional labor or strategic assistance. If so, the CIRT will either handle the issue directly or seek input from those whose skills are required.
3. If the CIRT believes that there is a Critical Incident that requires an extraordinary amount of resources to address, it will expeditiously seek a declaration by the BOCC that there is a Critical Incident.
4. If the BOCC declares that there is a Critical Incident, the following procedures shall apply:
  - a. All offices/departments are to make it a priority to assist the affected office/department including, but not limited to, lending personnel who possess the requisite skills sought by the CIRT on a temporary basis to assist the affected office/department to resolve the critical incident.
  - b. The affected office/department will work with the CIRT to identify what types of skill sets are required in order to assist with response to the Critical Incident. With the assistance and support of EO/DH, the CIRT will coordinate scheduling of employees from other office/departments to assist the affected office/department,

including accounting for which employees have worked which hours, for which purposes, at which location.

- c. No employee shall be compelled to work for an office/department other than the employee's regularly scheduled office/department; any participation in a response to a Critical Incident by a Boulder County employee shall be voluntary.
- d. Except in very unusual circumstances where it is found by the CIRT to be unavoidable, employees working for the affected office/department instead of their usual office/departments shall not incur overtime or compensatory time. To the extent possible, employees participating in a response to a Critical Incident shall not work more total hours than their usual schedule during a pay period.
- e. If the CIRT has determined it is necessary that non-exempt Boulder County employees who have agreed to participate in response to a Critical Incident incur overtime, the BOCC shall pay the additional cost.
- f. If response to a Critical Incident requires the expenditure of funds other than payroll expenses, the BOCC shall pay those costs.

## **SECTION 6 EMPLOYMENT – CONDITIONS AND REQUIREMENTS**

### **NUMBER 6.75 COVID-19 Vaccination Requirement for Employees**

#### **A. Purpose**

COVID-19 was first detected in Wuhan, China, in late 2019, and since then has spread worldwide, including to the United States. As of September 1, 2021, there have been 618,072 confirmed or probable positive cases of COVID-19 statewide in Colorado and 26,546 confirmed or probable positive cases in Boulder County. As of September 1, 2021, there have been 7,446 deaths due to COVID-19 statewide, and 266 deaths due to COVID-19 in Boulder County. The Colorado Department of Public Health and Environment (CDPHE) first detected the Delta variant of the SARS-CoV-2 virus in Colorado the week of April 18, 2021. As of September 1, 2021, the Delta variant constituted 99.2% of all COVID-19 tests sampled for variant in Colorado. The Delta variant is highly contagious; specifically, it is twice as contagious as previous variants, and some data suggests the Delta variant might cause more severe illness than previous strains in unvaccinated persons.

Accordingly, unvaccinated people remain the greatest concern. While fully vaccinated people with Delta variant breakthrough infections can spread the virus to others, vaccinated people appear to be infectious for a shorter period. As of September 1, 2021, the CDC identified Boulder County as an area with a high transmission at a rate of 136.42 per 100,000. Boulder County's seven-day rolling average of new cases has been rising since late

June 2021. Effective September 3, 2021, Boulder County Public Health adopted Public Health Order 2021-08 requiring facial coverings in public indoor spaces during periods of substantial or high transmission of COVID-19. On September 10, 2021, Boulder County's seven-day positivity rate was 4.2%.

Boulder County has a responsibility to safeguard the health of our employees and their families as well as that of our clients, visitors to our buildings, and the community at large from COVID-19. There is a scientific consensus that vaccination is the best way to keep employees and the public safe by preventing transmission and reducing COVID-19 cases and deaths. Because Boulder County provides essential public services not available from other organizations, the county must do whatever possible to ensure staff members are available to work, particularly during times of crisis such as the current pandemic. Based on the evidence of continued community transmission of COVID-19 and the prevalence of the Delta variant, Boulder County intends to protect its employees and the community and to increase vaccination rates to reduce transmission of COVID-19 by mandating that its employees receive a COVID-19 vaccine as a condition of their employment.

#### B. Requirement

All employees whether working on-site or remotely and all employees of independent contractors of the county that perform county work in a county facility are required to receive a COVID-19 vaccine unless a reasonable accommodation is requested and approved. Reasonable accommodations will only be considered based on medical reasons or due to a sincerely held religious belief. On or before December 1, 2021, all employees must be fully vaccinated and submit proof of vaccination or must submit an approved reasonable accommodation. Employees who believe they are entitled to a reasonable accommodation must submit such a request no later than October 20, 2021, as detailed below.

Any employees beginning employment after December 1, 2021, must be fully vaccinated and must submit proof of full vaccination within 10 days of accepting employment. New employees beginning employment after October 20, 2021, and seeking a reasonable accommodation must submit such a request within 10 days of accepting employment. Until a new employee submits proof that they are fully vaccinated or receives an approved accommodation, they will be required to wear a mask while on-site and/or while performing job duties off-site regardless of whether masks are required by Public Health Order 2021-08 and may be required to test on a regular (up to daily) basis. Continued masking and testing may also be required as an approved accommodation.

Consistent with CDC guidance, employees are considered fully vaccinated two weeks after their second dose in a two-dose vaccination series (such as Pfizer or Moderna vaccines) or two weeks after a single-dose vaccination (such as Johnson & Johnson's Janssen vaccine). Employees may be required to

provide proof of maintaining current vaccination status through additional booster shots if recommended by the CDC.

All documentation related to an employee's COVID-19 vaccination will be maintained confidentially. The Human Resources Department will establish a process by which employees can provide documentation of vaccination.

Employees who do not submit proof of vaccination or submit an approved reasonable accommodation as set forth above may be subject to disciplinary action, up to and including termination.

#### C. Reasonable Accommodation

Employees in need of an exemption from this policy due to a medical reason or due to a sincerely held religious belief must submit a completed reasonable accommodation request to the Human Resources Department to begin the interactive accommodation process no later than October 20, 2021. New employees hired after October 20, 2021, who seek a reasonable accommodation must submit a reasonable accommodation request within 10 business days of accepting employment. Accommodations based on a medical reason or due to a sincerely held religious belief may be granted where they do not cause Boulder County undue hardship or pose a direct threat to the health and safety of others. Reasonable accommodations will be determined on an individual basis and may include but are not limited to wearing masks while on-site and/or while performing job duties off-site, social distancing, required COVID-19 testing on a regular (up to daily) basis, remote work, adjustment of work duties, and/or other accommodations determined necessary.

#### D. Access to Vaccinations

Boulder County Public Health and the Human Resources Department will work together to provide either onsite access to the COVID-19 vaccine or a list of locations offering the COVID-19 vaccine to assist employees in receiving the vaccine on their own. COVID-19 vaccinations are free whether an individual has health insurance or not. Employees may use paid pandemic leave or medical leave for time spent receiving a vaccine and recovering from the side effects of the vaccine if necessary.

## **SECTION 6 EMPLOYMENT – SAFETY**

### **NUMBER 6.80 Local Public Health Emergency**

This policy supplements existing county policies related to leaves of absence due to illness and is intended to assure continuity of government operations while minimizing risk to the public and Boulder County staff during a public health emergency.

#### A. Public health emergency means:

1. An act of bioterrorism, a pandemic influenza, or an epidemic caused by a novel and highly fatal infectious agent, for which
  - a. an emergency is declared by a federal, state, or local public health agency; or
  - b. a disaster emergency is declared by the governor; or
  - c. a highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the governor.

B. When it deems necessary and in consultation with the Boulder County Public

Health Director and other Boulder County elected officials, the Board of County Commissioners will implement some or all of the following measures:

1. County-sponsored public events, meetings, and hearings will be limited or cancelled. The Board of County Commissioners will hold limited public hearings and broadcast those meetings online through the county website.
2. The Board of County Commissioners will close or limit access to County owned or operated administrative buildings and facilities, including during regular business hours.
3. Work-related travel by Boulder County employees, including conference travel, will be limited or cancelled unless specifically authorized as an exception by the employee's Elected Official or Department Head (EO/DH).
4. To minimize transportation and health system impacts, employees whose jobs can be performed remotely will be required to work remotely or use alternative work schedules. Internet service provider bandwidth or other limitations may prevent employees from fully performing their job duties while at home, in a remote location, or working an alternative work schedule. The county's telecommuting policy prohibiting telecommuters from being responsible for infants, toddlers, sick children, a person who is elderly, or anyone who requires continual care, is waived when this public health emergency policy is activated. Determinations of which employees must use alternative work schedules or work remotely will be made by an employee's EODH in consultation with the Board of County Commissioners.
5. To serve the community, many county employees, particularly those performing mandated or statutory services, field work, or public safety jobs, may be required to report to work unless they are sick or have been exposed to a pandemic illness. Determinations of which

employees must report to work will be made by an employee's EODH.

6. Employees diagnosed with an illness that has been categorized as a pandemic illness by a healthcare provider, employees who have had direct exposure to someone diagnosed with a pandemic illness, and employees who have traveled from areas of declared widespread outbreak may be required to remain at home in self-isolation and/or quarantine consistent with the most current public health guidance.
7. Paid Pandemic Leave. Employees who are diagnosed with a pandemic illness, who must remain at home after travel to an area of declared widespread outbreak, who must care for a family member with a pandemic illness, or who cannot otherwise work due to a public health emergency may utilize paid pandemic leave as described below. Employees must get approval from their EODH to utilize this type of leave.

- a. Amount

Paid pandemic leave is available to employees based on schedule. Full time employees, including hourly staff and contract employees, may use up to 80 hours of leave, if necessary. Leave for part-time employees is prorated based on their schedule. For example, a 50% FTE may use up to 40 hours of leave. This includes hourly and contract employees.

- b. Uses

Leave may be used in the following circumstances:

- An employee's need to:
  - 1) Self-isolate and care for oneself because the employee is diagnosed with a communicable illness that is the cause of a public health emergency;
  - 2) Self-isolate and care for oneself because the employee is experiencing symptoms of a communicable illness that is the cause of a public health emergency;
  - 3) Seek or obtain medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency; or
  - 4) Seek preventative care concerning a communicable illness that is the cause of a public health emergency.
- An employee's need to care for a family member who:
  - 1) Is self-isolating after being diagnosed with a communicable illness that is the cause of a public health emergency;

- 2) Is self-isolating due to experiencing symptoms of a communicable illness that is the cause of a public health emergency;
  - 3) Needs medical diagnosis, care, or treatment if experiencing symptoms of a communicable illness that is the cause of a public health emergency; or
  - 4) Is seeking preventative care concerning a communicable illness that is the cause of a public health emergency.
- With respect to a communicable illness that is the cause of a public health emergency:
    - 1) A local, state, or federal public official or health authority having jurisdiction over the location in which the employee's place of employment is located or Boulder County determines that the employee's presence on the job or in the community would jeopardize the health of others because of the employee's exposure to the communicable illness or because the employee is exhibiting symptoms of the communicable illness, regardless of whether the employee has been diagnosed with the communicable illness; or
    - 2) Care of a family member after a local, state, or federal public official or health authority having jurisdiction over the location in which the family member's place of employment is located or the family member's employer determines that the family member's presence on the job or in the community would jeopardize the health of others because of the family member's exposure to the communicable illness or because the family member is exhibiting symptoms of the communicable illness, regardless of whether the family member has been diagnosed with the communicable illness;
    - 3) Care of a child or other family member when the individual's child care provider is unavailable due to a public health emergency, or if the child's or family member's school or place of care has been closed by a local, state, or federal public official or at the discretion of the school or place of care due to a public health emergency, including if a school or place of care is physically closed but providing instruction remotely;
    - 4) An employee's inability to work because the employee has a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of a public health emergency.

- A family member is defined as a spouse, partner in a civil union or domestic partnership, parent, stepparent, child, stepchild, sibling, step-sibling, grandparent, step-grandparent, grandchild, or step-grandchild. A family member also includes a cousin, aunt, uncle, niece or nephew residing in the same household as the employee as well as a person for whom the employee is responsible for providing or arranging health- or safety-related care for.
- When an employee must care for another person who does not meet the above definition but is considered a close family member by the employee, the employee may request approval from their EO/DH, who will consult with Human Resources, to determine whether it is appropriate to use leave for this purpose.

c. Provisions

- An employee may use pandemic leave under this section intermittently.
  - An employee shall notify their supervisor or manager of the need for leave under this section as soon as practicable when the need for leave is foreseeable and the employer's work site has not been closed.
  - Documentation is not required to take leave under this section.
  - Leave may be used until four (4) weeks after the official termination or suspension of the public health emergency.
  - Employees are only eligible for leave in the amount described in this section once during the entirety of a public health emergency even if such public health emergency is amended, extended, restated, or prolonged.
  - Boulder County may provide for additional leave or employee response measures as determined necessary or appropriate to the public health emergency. In the event the Board of County Commissioners adopts additional policy specific to a public health emergency, that policy shall control over this section 7.
8. Employees who are at higher risk for infection due to age (over 60), a compromised immune system, heart or lung disease, diabetes and/or another serious health condition(s), but who have not been diagnosed with or exposed to a pandemic illness, may request that their EODH permit alternative work arrangements during a declared health emergency, including temporary reassignment, temporary relocation, rearrangement of duties, schedule change, and/or telecommuting.
9. County employees may be reassigned during emergency situations.
10. All employees reporting to a worksite on or after June 1, 2020 shall self-screen for COVID-19 symptoms prior to coming to work using guidelines



provided by the County or, if available, shall utilize a health screening station at the worksite and, if COVID-19 symptoms are present, shall not come to work and shall report their absence to their supervisor. Any employee performing work at a worksite on or after June 1, 2020 is therefore presumed to have screened for and found no COVID-19 symptoms that day. This screening requirement also applies to infants of employees participating in the Infants-at-Work Program.

## **SECTION 6 EMPLOYMENT - SAFETY**

### **NUMBER 6.81 Threats and Violence in the Workplace**

#### **A. Incident Command Structure**

Security Officers are authorized to make site security decisions to protect the welfare and safety of employees and the public during an emergency situation, with the exception of releasing employees from work duty for the day.

If it is deemed necessary to evacuate and close the facility the Security Supervisor will notify the County Administrator or designee who will make the determination.

During such an emergency all county employees must follow directions given to them by a uniformed Security Officer, BCBS staff member or police officer.

#### **B. Emergency Representatives**

Each EO/DH shall be designated as an emergency representative.

EO/DH or directors of non-profits or other agencies located in county buildings will appoint a minimum of two emergency representatives for each office site. The Security Office must be notified in writing of who has been designated as an emergency representative.

## **SECTION 6 EMPLOYMENT - SAFETY**

### **NUMBER 6.82 Safety Responsibility**

It is the policy of the BOCC that all county employees develop and exercise safe work habits. All employees are responsible for compliance with safety policies, procedures, and standards as outlined in this manual or other applicable directives that are established.

Specific safety responsibilities and procedures are as follows:

#### **A. EO/DH**

1. It is the responsibility of all EO/DH to maintain safe and healthful working conditions within their offices/departments. This responsibility may be delegated and includes taking appropriate actions to ensure the safest possible

environment for employees and the general public. Each EO/DH or designee shall:

- a. Ensure that the policies and procedures set forth in this manual are complied with by all personnel under their direction.
  - b. Provide leadership and a positive attitude regarding safety and loss prevention. Make safety a prime consideration in all operations.
  - c. Devote a portion of staff meetings to discussing safety, as necessary. This may include a review of office/department accidents and a discussion of plans to bring about a reduction in losses.
2. Demonstrate a personal concern of office/department losses by interviewing, directly or through a responsible representative, each worker and supervisor who has lost time for a Workers' Compensation injury or been involved in an accident involving a county vehicle or other equipment.
- a. Actively participate in safety meetings when convened by the appropriate management personnel and disseminate relevant information to office/department employees.
  - b. Hold supervisors accountable for an explanation of all preventable injuries, accidents, and liability claims incurred by their employees.
  - c. Call Risk for any assistance needed in promoting an effective loss prevention and safety program.

#### B. Supervisory Personnel

Supervisors have full responsibility for the safe actions of their employees and the safe performance of machines and equipment within their operating areas. An effective loss prevention and safety program depends upon the cooperation of all supervisors. The following is a list of loss prevention responsibilities of supervisory personnel:

1. Aggressively enforce safety procedures that apply to the work supervised.
2. Provide adequate basic job training and safety instruction to all employees under their supervision.
3. Ensure that all policies contained in this manual and the individual office/department safety rules are fully implemented for maximum safety on the job.
4. Provide continuing safety instruction while issuing daily work assignments. These safety instructions should focus attention on potential hazards, changes in work conditions, the use and need for protective equipment for specific hazards, and any changes in work procedures.
5. Continually observe and evaluate work conditions and work procedures to detect and correct unsafe conditions and practices.
6. Promptly report and investigate accidents. If corrective action is needed, make sure that it is completed.
7. Assure that the necessary safety equipment and protective devices for each

job are available, properly used, and well maintained.

8. Establish monthly safety sessions with employees to promote positive safety attitudes.
9. Allow work times for breaks and/or exercises to support ergonomic programs.

### C. Employees

Every employee has the responsibility to develop and exercise safe work habits in the course of the employee's duties. All employees must follow the safety procedures outlined in the Procedure Manual. Failure to do so could result in disciplinary action, up to and including termination. Additionally, each employee shall be responsible for:

1. Promptly reporting to the employee's supervisor all accidents and injuries occurring within the course of the employee's employment.
2. Cooperating with, and assisting in, the investigation of accidents to identify accident causes and prevent recurrences.
3. Reporting to the employee's supervisor all unsafe actions, practices, or conditions the employee observes.
4. Keeping the employee's work area in a clean and orderly state.
5. Obeying all safety rules and following published work instructions.
6. Wearing protective equipment when working in hazardous operations and/or as required by supervisory personnel.
7. Inspecting all equipment prior to use and reporting any unsafe conditions to the employee's supervisor.
8. Eliminating horseplay and distracting other employees.
9. Adjusting the workplace in order to work in an "ergonomically correct" environment.
10. Utilizing the time set aside or allowed by the employee's supervisor for breaks and/or exercises to support good ergonomic practices.

## **SECTION 6 EMPLOYMENT - SAFETY**

### **NUMBER 6.83 Personal Protective Equipment**

It is the policy of the BOCC that personal protective equipment be used for job assignments which have an inherent injury potential. Employees shall be accountable for the use and care of personal protective equipment provided by Boulder County. When the use of personal protective equipment has been specified for hazardous work, its use shall be mandatory.

Managers and supervisors will determine the work situations requiring the use of

personal protective equipment. This use will conform to applicable safety standards legislation. Detailed specifications for the design and purchase of personal protective equipment shall be coordinated between the office/department and Risk.

## **SECTION 6 EMPLOYMENT - DISCIPLINE**

### **NUMBER 6.85 General Policy**

The county encourages the use of the progressive disciplinary process. It is designed to be constructive and to promote employee success. It gives employees the information necessary to understand what aspect of work performance or behavior is unacceptable, identifies the improvements that are expected and provides the opportunity for employees to demonstrate the expected improvements. The progressive discipline process may be by-passed in certain circumstances or for supervisors and managers. Generally, however, the county will use the progressive disciplinary process.

A. All county employees are subject to the provision of discipline procedures with the exception of the following:

1. Employees serving at the pleasure of the Elected Officials
2. Public Health Administrator
3. Employees in the offices of Elected Officials who have not accepted and endorsed the Boulder County Personnel and Policy Manual
4. Introductory Employees
5. Term Employees
6. Hourly Employees

These employees may be dismissed without cause and should be so notified at the time of hire. Dismissals of introductory, term, and hourly employees must be reviewed by HR and approved by the EO/DH.

## **SECTION 6 EMPLOYMENT - DISCIPLINE**

### **NUMBER 6.86 Disciplinary Actions to be Based on Cause**

A. All disciplinary actions shall be based on cause. Examples of actions by employees that may be considered cause include, but are not limited to, the following:

1. Incompetence or inefficiency in performance of job duties
2. Deliberate or careless conduct endangering the safety or well-being of oneself, fellow employees or the public
3. Deliberate abusive language or unbecoming conduct toward the public or fellow employees
4. Abusive treatment and/or disrespect of another including, but not limited to, physical or verbal confrontations, insults, sabotage, excessive gossiping/spreading rumors, and threats
5. Negligent or willful damage or waste of public property
6. Unauthorized use or theft of county property

7. Insubordination or refusal to comply with lawful orders or regulations.
8. Being impaired by alcohol, marijuana, or any legal or illegal drug so as to affect the performance of duties
9. Being under the influence of intoxicants or non-prescribed drugs so as to affect the performance of duties
10. Unexcused absence, unapproved leave of absence, including for failure to provide documentation to support FMLA leave or failure to return from leave of absence including FMLA leave
11. Conviction or admission of a serious crime such as a felony or crime of moral turpitude
12. Accepting bribes in the course of county work or deliberate misuse of county funds
13. Habitual tardiness or absenteeism
14. Any behavior that adversely impacts the efficiency or effectiveness of county functions
15. Any condition, event or change in status that renders an employee ineligible for employment pursuant to federal, state or local laws, rules or regulations
16. Posting inaccurate or inappropriate content on county websites
17. Violation of a county policy or procedure.
18. Dishonesty, cheating, fraud, deceit, and breach of trust
19. Failure to immediately report to one's EO/DH a conviction that impacts the employee's ability to perform a function or functions of the position or failure to immediately report a driving violation covered by the Use of Vehicles Policy.
20. Moving or residing outside of Colorado without the permission of the HR Director and the employee's EO/DH.
21. Failure to comply with safety policies or procedures and/or failure to operate equipment properly so as to cause a heightened risk of injury to oneself or others.

## **SECTION 6 EMPLOYMENT - DISCIPLINE**

### **NUMBER 6.87 Disciplinary Actions and Procedures**

The following disciplinary actions are possible: written reprimands; suspension without pay; reduction of pay; demotions; disciplinary movement of an employee to a different position; or dismissals. Supervisors designated by EO/DH may impose written reprimands. All reprimands must be reviewed by Human Resources prior to issuance to the employee.

The EO/DH may impose suspensions without pay, reduction of pay, demotions, disciplinary movement of an employee to a different position, or dismissals.

Dismissals, to be final, require the approval of the EO/DH or the Public Health Administrator, as appropriate.

#### **A. Progressive Discipline**

The progressive discipline procedure shall include two written reprimands prior

to dismissal except in certain circumstances, specified under Section 6.87(H) (Dismissal) below where progressive discipline may be bypassed. In certain circumstances an employee may also receive a suspension without pay, a demotion, a reduction in pay, or disciplinary movement to a different position. Please refer to the sections below describing these additional disciplinary actions.

#### B. First Written Reprimand

The supervisor will meet with the employee to identify and discuss the existing problem and to advise the employee of the need for improvement. The focus of this discussion is to describe the problem and encourage the employee to improve the employee's behavior. A record of the date of this written

reprimand and the topic discussed shall be made by the supervisor, signed by the employee to acknowledge the discussion took place, and placed in the employee's personnel file in HR. The employee must be provided the opportunity at this time to add the employee's opinions and comments to the reprimand. Refusal of the employee to meet on this subject, sign the document or acknowledge the discussion took place does not invalidate this step or procedure.

The time frame for improvement before issuing a second written reprimand is left to the discretion of the supervisor. However, thirty days should be used as a guideline with more or less time being given depending on the nature of the problem.

#### C. Second Written Reprimand

If the problem continues, or if another problem with the employee develops, the supervisor will consult with Human Resources to prepare a second written reprimand. All supporting documentation, including the two most recent performance evaluations, if applicable, must be sent to Human Resources.

Human Resources and the County Attorney's Office must review and approve the reprimand prior to issuance. The same process and parameters described above for the first written reprimand will be applied to the second written reprimand.

#### D. Suspension Without Pay

An employee may be suspended without pay as described in a. or b. below. The suspension must be based on cause as described in the Disciplinary Actions Based on Cause Policy.

Disciplinary suspension for up to eighty (80) hours, taken in whole day increments based on work schedule, may be used at any point in the progressive disciplinary process when the EO/DH believes it is necessary to apprise the employee of the seriousness of a problem/infraction. Exempt employees under the Fair Labor Standards Act (FLSA) shall not have their pay

docked in any manner that would be inconsistent with the FLSA.

E. Suspension Pending Criminal Offense.

Employees may be suspended if they are arrested, charged, or implicated in criminal offenses or activities which may adversely affect the efficiency or effectiveness of the employee's job or county functions. This suspension may be for an indefinite period.

Whenever a suspension without pay is being considered, the suspending authority must first consult with HR. Before any such suspension without pay is imposed, a pre-disciplinary hearing ([Disciplinary Actions and Procedures Policy](#)) must be held.

Whenever a suspension pursuant to subsections above is imposed, written notice of the suspension must be given or mailed to the employee stating the reasons for suspension, its duration, and the right to appeal to the Hearing Officer ([Appeals Policy](#)). The notice must be given or mailed to the employee within two working days of the suspension. HR must approve the notice before it is given to an employee.

F. Reinstatement Following Suspension

Employees may be reinstated with back wages. The payment of back wages will not be more than the employee would have received had the employee not been suspended. The EO/DH or the Public Health Administrator will determine the amount of back wages paid upon reinstatement after consultation with HR and the CA.

G. Reduction of Pay

An EO/DH may reduce an employee's pay or demote an employee to a lower classification in conjunction with a first reprimand or at any point in the progressive disciplinary process thereafter. Any action described in this paragraph shall be based on cause as described in the Disciplinary Actions to be Based on Cause Policy.

When any reduction in pay takes place, the employee's rate of pay must fall within the assigned pay range of the job classification. Prior to making a decision to reduce pay or demote, the EO/DH must consult with HR. The employee will be afforded a pre-disciplinary hearing pursuant to the Disciplinary Actions Policy and Procedures Policy. If the EO/DH then determines that a reduction in pay and/or demotion is appropriate, a written explanation of the decision shall be provided to the employee, and the employee shall be informed of the right to appeal to the Hearing Officer (see the [Appeals Policy](#)).

Nothing in this section shall be construed to require the EO/DH to reduce pay or demote prior to dismissal.

## H. Dismissal

After consultation with HR, an EO/DH may dismiss an employee under the following circumstances:

1. An employee may be dismissed as a final step in the progressive discipline process.
2. An employee may be dismissed if in the opinion of the EO/DH the employee's performance deficiencies and/or problem behavior is so serious that dismissal without prior discipline is warranted.
3. Supervisors or managers may be dismissed without prior disciplinary measures. Supervisors and managers are held to a higher standard in the execution of their job because they supervise other employees, are expected to exercise significant judgment and discretion, and their actions and decisions have a substantial impact upon the manner in which the county carries out its mission. The use of prior progressive disciplinary action does not affect the county's right to by-pass further progressive discipline and proceed to dismissal.
4. An employee who is, or has become, unauthorized or ineligible for employment as provided under the Immigration and Nationality Act and the Immigration Reform and Control Act of 1986 or an employee who has moved or is residing outside of Colorado without the permission of the HR Director and an employee's EO/DH may be dismissed without prior or lesser disciplinary measures.
5. Due to the magnitude of the public health emergency created by COVID-19 and the importance of vaccination in keeping employees and the public safe, in slowing the spread of COVID-19, and in ultimately ending the COVID-19 pandemic, an employee who has not received a COVID-19 vaccine or an approved accommodation as set forth in Section 6.75 may be dismissed without prior or lesser disciplinary measures.

All dismissals must be for cause as listed in the Disciplinary Actions to be Based on Cause Policy. The procedures described below shall apply to all dismissals.

HR must be notified of all proposed dismissals in advance. The employee must be given a pre-disciplinary hearing (See the Disciplinary Actions and Procedures Policy). If the EO/DH then determines that dismissal is appropriate, the employee shall be informed of the reason for the dismissal (verbally or in writing if time permits) and of the right to appeal. In any case, written notice of the dismissal and right to appeal shall be given or mailed to the employee within two days of the dismissal decision by the EO/DH. All dismissals must be approved either by the BOCC, other EO/DH or the Public Health Administrator, as appropriate, before they become final.

## **SECTION 6 EMPLOYMENT - DISCIPLINE**

### **NUMBER 6.88 Appeals**



Boulder County will provide an impartial appeal hearing to an employee who wants to appeal the following disciplinary decisions: suspension without pay, reduction in pay, demotion, and termination. The purpose of the hearing is to consider whether the disciplinary decision was in accordance with the law and the County's policies. An employee may not appeal a layoff because layoff decisions are not disciplinary.

## **SECTION 6 EMPLOYMENT - DISCIPLINE**

### **NUMBER 6.89 Complaints**

It is the policy of Boulder County to provide a good working environment for all employees. This is achieved by developing and maintaining a cooperative working relationship among employees, based on mutual respect and understanding. Boulder County recognizes the need to allow employees the opportunity to call attention to work-related matters which are troubling them and which they feel need correction.

#### **A. Definition of a Complaint**

A complaint is defined as a difference of opinion between an employee and a co-worker, the employee's supervisor or higher authority within a work situation concerning a stated county policy, practice or rule. Specifically excluded from this complaint policy are:

1. Complaints concerning communications relating to an employee's performance, including the results of job performance evaluations.
2. Complaints concerning job classification.
3. Complaints concerning pay rates.
4. Complaints concerning layoffs.
5. Complaints concerning movement of an employee to a different position.
6. Complaints concerning discipline, including reprimands, suspensions without pay, reductions of pay, demotions, or dismissals.
7. Complaints concerning discrimination, harassment or retaliation (See the Equal Opportunity and Unlawful Discrimination Policy for procedures).

#### **B. Discipline**

Nothing in this policy will limit the county's ability to initiate or continue discipline proceedings against an employee who has filed a complaint.

The HR Director may determine that an employee's submitted complaint should be responded to and resolved in another manner or process outside of the complaint process as described here. The employee will be notified by the HR Director of that decision when the complaint has been received and reviewed by Human Resources.

## **SECTION 6 EMPLOYMENT - VOLUNTEERS**

### **NUMBER 6.90 Boulder County Volunteer Policy**

An important and valued segment of the county workforce is the large number of volunteers who willingly give of their time on a regular basis, working without any remuneration beyond the personal satisfaction derived from their service. They are expected to adhere to the Code of Conduct as outlined in this manual and they are not eligible for any benefits except as outlined in the [Volunteer Policy](#). It is the policy of Boulder County that skills developed as a volunteer be viewed as important job skills. Therefore, these skills will be considered when screening and selecting applicants for paid positions within the county.

This policy was established with the objective that all volunteers have a positive and productive volunteer experience and that both employees and volunteers understand specific duties and responsibilities associated with the volunteers' activities. The policy will not be construed as creating any contractual rights. Nothing in this policy creates an employment relationship between the County and the volunteer. Volunteers are not considered employees under this manual and volunteers are only covered by sections of this manual that unambiguously refer to volunteers. Specifically, volunteers are not entitled to any rights afforded to employees in this manual.

Each county office/department is responsible for determining how to implement this policy. Unless otherwise stated, all sections in this policy refer to both ongoing and one-time/short-term volunteers.

#### **A. Definition of a Boulder County Volunteer**

A Boulder County volunteer is a person who gives time or expertise to county government, its staff and clients with no recompense or payment for services to county offices/departments or programs. The person may be donating time or expertise or may be in a service-learning project for school or college. The person may be an ongoing volunteer or a one-time- only project volunteer. County staff may volunteer for Boulder County with prior approval from HR and their EO/DH, in order to ensure compliance with the Fair Labor Standards Act.

#### **B. Employee/Volunteer Relationships**

The relationship between employees and volunteers is a partnership. Volunteers have staff supervisors who are available for consultation, support and direction.

#### **C. Volunteer/Client Relationships**

The relationship between a volunteer and a client is guided by a profound respect for diversity and a belief in human potential, recognizing that each person has an individual dignity worthy of respect. Volunteers shall respect the preferences and decisions of clients and refrain from applying undue pressure in the clients' matters of choice. Volunteers shall maintain a level of confidentiality equal to that expected of paid staff. Volunteers shall not financially profit directly or indirectly from a client or engage in activities that pose a conflict of interest.

#### D. Separation from Volunteer Service

Most volunteer jobs are for a defined time period and volunteers are asked to honor that time commitment. However, volunteers may resign at any time for any reason. There is no mandatory retirement age for volunteers. Volunteers who fail to satisfactorily perform their volunteer assignments are subject to suspension or separation. Prior to separation of a volunteer, the volunteer should be given an opportunity to discuss any reasons for separation with both their staff supervisor and the Volunteer Program Manager.



## **SECTION 7 ADMINISTRATION – FACILITIES, EQUIPMENT AND FURNISHINGS**

### **NUMBER 7.1 Issuance of Access Cards and Keys to County Buildings**

Access cards and keys to county buildings will be issued and documented according to specified procedures. All county employees must carry their Boulder County-issued photo ID and access card at all times while in county buildings.

## **SECTION 7 ADMINISTRATION – FACILITIES, EQUIPMENT AND FURNISHINGS**

### **NUMBER 7.2 Lactation Room Requirements**

In accordance with Colorado law, Boulder County shall provide reasonable unpaid break time or permit an employee to use paid break time, meal time, or both, each day to allow the employee to express breast milk, in a private setting, for their nursing child for up to two (2) years after the child's birth.

- A. Although a specific lactation room does not need to be designated, the space utilized for this purpose must be:
  1. A room other than a bathroom
  2. Shielded from view (Permanent blinds or curtains must cover any windows- It is not acceptable for employees to put up a temporary cover each time they use the room)
  3. Free from intrusion (The door must have a lock for privacy)

HR has compiled a list of lactation rooms throughout the county and shall distribute this list to expectant mothers before they go on maternity leave.

## **SECTION 7 ADMINISTRATION – FACILITIES, EQUIPMENT AND FURNISHINGS**

### **NUMBER 7.3 Boulder County Security Cameras**

Security cameras installed are for the limited purpose of providing evidence of criminal acts and determining the identity of individuals involved therein.

No routine, real-time monitoring of the video from the security cameras is intended. Real-time monitoring will only be used in unique law enforcement circumstances. Neither cameras nor recordings will be used to monitor any political gatherings unless prior to the event, compelling evidence of significant law enforcement need is clearly identified. Recordings shall be reviewed by Boulder County employees only where relevant to the report of a criminal act or incident to Security or other county offices.

Due to the unique nature of the security needs at the Boulder County Sheriff's facilities, the Boulder and Longmont courts, and the Recycling Center, these facilities are exempt from this policy. The Boulder County Sheriff's Office maintains internal controls over their security camera systems. The BOCC will approve the location and orientation of the cameras at the Recycling Center.

## **SECTION 7 ADMINISTRATION – FACILITIES, EQUIPMENT AND FURNISHINGS**

### **NUMBER 7.4 Open Flame Restriction**

To minimize risk and to protect the health and safety of the public, employees, and Boulder County property a person shall not utilize or allow to be utilized, an open flame for any purpose whatsoever in Boulder County buildings, except for the use of workplace equipment and birthday candles .

## **SECTION 7 ADMINISTRATION – FACILITIES, EQUIPMENT AND FURNISHINGS**

### **NUMBER 7.5 Building Alteration & Remodeling Policy**

Offices and departments needing modifications, remodels, or painting of their building spaces shall utilize the BCBS Work Order Request process or the Capital Expenditure Fund (CEF) process when a space change is desired.

Offices and departments shall review any planned space modifications with BCBS prior to the commencement of any redesign or remodeling work. This review provides professional consultation to ensure solutions to space needs are the most effective solution to the concern, done in a sustainable manner that is cost-effective and in compliance with ADA, building codes and life safety. Reviews also ensure that building infrastructure systems i.e. electrical, fire protection, heating/cooling, are not compromised by the modifications. This will also ensure that necessary permits are

acquired and inspections are conducted. This includes, but is not limited to, interior wall paint usage.

On occasion, if the requesting office/department will be funding and managing a modification from the office/department budget (not Work Order or CEF), Building Services' review and approval to proceed is still required.

The moving of furniture and equipment must be scheduled according to the procedures established by the Building Services Division.

This policy shall apply to all county-owned and leased spaces. This requirement should be included in any space leases, both as tenant and as landlord. Exempt are properties owned and managed by the Boulder County Housing Authority and Open Space properties.

#### A. Waste Management during Construction and Deconstruction Projects

All construction, deconstruction, remodel, and office move project managers are required to meet with Resource Conservation Division at the beginning of the project planning process as well as periodically throughout the project period in order to maximize project landfill diversion.

Contractors must follow the same policies and standards as internally sourced projects. All RFPs and quote requests for construction, deconstruction/demolition, remodel, and office move projects must include the language in this policy.

## **SECTION 7 ADMINISTRATION – FACILITIES, EQUIPMENT AND FURNISHINGS**

### **NUMBER 7.6 Responsibility for and Disposal of County Property**

It is the policy of the BOCC that the following responsibilities and procedures shall apply to county property so that property is disposed of safely, appropriately, and sustainably.

#### A. Inventory of Capital Equipment items

Capital and other items purchased by Boulder County for use in an office/department are the responsibility of the EO/DH to whom the items are assigned. A capital item, computing or non-computing, is defined as an item having an original cost of \$10,000 or more, must be tangible in nature, and must have a useful life of more than one year.

All capital items that exceed \$10,000 must be tagged with a Boulder County fixed asset tag.

#### B. Personal computers and network printers must have a fixed asset tag

In accordance with C.R.S. 29-1-506, an annual inventory will be conducted in

each office/department for capital items. At the conclusion of the inventory, the EO/DH will be expected to have physically produced each item for which the EO/DH is accountable or to have provided a written explanation for any missing item.

#### C. Surplus/Salvage and Disposal

Offices must contact the Resource Conservation Division's Resource Conservation Specialist for proper disposal any time an item is encountered that is neither functional nor usable, and that cannot be dealt with through regular recycling, composting, spring clean-ups, or e-waste round-ups. Offices should not reach out to Building Services for help moving any waste items without first checking with the Resource Conservation Division.

#### D. Policy for Surplus of Vehicles

The donation of any vehicle/equipment requires notice to Fleet Services of the proposed donation to ensure the specific vehicle/vehicle equipment could not be reassigned internally to another county agency in an effort to reduce overall Fleet costs. If determined by Fleet Services the donation is in the best interest of the County, a formal request for donation shall be submitted to the County Administrator for approval.

All fleet vehicle/vehicle equipment declared surplus through the budget process or otherwise, shall be submitted Fleet Services for auction/sale/disposal at the same time it is deemed to be surplus.

## **SECTION 7 ADMINISTRATION – FACILITIES, EQUIPMENT AND FURNISHINGS**

### **NUMBER 7.7 Energy Conservation**

Boulder County adopted a Sustainable Energy Path with Boulder County resolution 2005-137. In accordance with that resolution, employees are required to follow all procedures and guidelines established.

## **SECTION 7 ADMINISTRATION – FACILITIES, EQUIPMENT AND FURNISHINGS**

### **NUMBER 7.8 Indoor Air Quality**

In response to recommendations by an independent environmental hygienist, it is the policy of the BOCC that all employees will cooperate to maintain reasonably good indoor air quality by following these guidelines.

Covering, obstructing or adjusting ceiling wall and floor grilles, vents or heating and air conditioning registers or diffusers is not allowed.

The following personal equipment is prohibited unless approved by BCBS:

- Portable air cleaners
- Portable humidifiers

No artificial scents will be placed in any Boulder County building, including office, common areas, and kitchen areas. These include but are not limited to, sprays, mists, sticks, oils, candles, essential oils, incense and plug in air fresheners. The only exception to this is in restrooms, where hand-held spray may be used, only as needed.

Reasonable housekeeping by office workers shall be maintained to minimize the negative effect of paper dust on air quality. Paper should be stored in filing cabinets or file storage boxes. Storage should allow sufficient room to not interfere with custodian's ability to vacuum.

## **SECTION 7 ADMINISTRATION – VEHICLES AND FLEET**

### **NUMBER 7.12 Use of Vehicles**

Boulder County operates a fleet of vehicles ranging in size from passenger automobiles to dump trucks and graders. As the potential for serious injury or property damage is present in operation of these vehicles, it is the policy of the BOCC that all Elected Officials, county employees, and volunteers who drive a vehicle for county business, including those employees who use a county vehicle for commuting purposes, will follow the guidelines related to this policy.

## **SECTION 7 ADMINISTRATION – VEHICLES AND FLEET**

### **NUMBER 7.13 Fleet Management and Maintenance**

It is the policy of the BOCC that the county shall operate the most reliable, sustainable, efficient, safe, cost-effective fleet possible. This policy is intended to provide guidelines for Transportation Department, Fleet Services Division & Sheriff's Office in, specifying, purchasing, accepting delivery on vehicles/equipment, and all other offices/departments requesting and/or operating equipment. When equipment breaks down or requires high levels of maintenance, it has consequences beyond parts and labor. Unreliable equipment impacts the work program, resulting in lost labor, delayed or unaccomplished tasks, unsafe conditions, reduced public credibility, and lost opportunities.

#### **A. Reliability**

The county shall purchase reliable equipment based on objective surveys and reports, county data, fleet experience, and other credible sources.

The county shall incorporate life-cycle costs into vehicle and equipment purchasing evaluations, as appropriate.

All county equipment shall receive timely preventive maintenance. When contacted, operators must make their vehicles available for maintenance or face possible fuel restrictions (for non-emergency equipment).

#### **B. Sustainability**

Fuel efficiency and reduced emissions shall be of significant consideration in equipment purchases and in accordance with the county's environmentally preferable purchasing policy. Equipment sharing between offices/departments is essential to reduce fleet size, eliminate underutilized vehicles, and promote the best use of scarce resources. Pools consisting of vehicles and heavy equipment will help achieve these goals while maintaining operational efficiency and addressing user needs.

Cost-effective hybrids EV (Electric Vehicle, PHEV: Plug In hybrid), ultra-low emission vehicles, and fuel-efficient vehicles shall be evaluated to see if they can practically fit into our fleet.

Pools shall be created or expanded to provide a central source for historically underutilized equipment and offer loaners for vehicles getting service.

Accurate meter readings are vital in scheduling preventive maintenance and tracking our sustainability efforts through fuel efficiency reports. Employees fueling at county facilities must enter correct information into the fueling system, including meter readings, PIN, and fuel type. The correct fuel key must be used for the vehicle.

#### C. Standardization

The county shall standardize equipment, as appropriate, within each classification to assure low inventory costs, training costs, and to take advantage of quantity purchasing discounts.

It is the policy of the BOCC to contain the size and cost of maintaining vehicles belonging to Boulder County and to ensure the availability of good quality county-owned on and off road vehicles/equipment and trailers. On and off road vehicles/equipment and trailers or any item with a value of \$5,000 or greater that requires licensing or vehicles and equipment that will be managed and maintained by Fleet Services that will have a direct impact on Fleet Services Operating Budget must be reviewed and approved by the Fleet Manager prior to obtaining purchasing approvals.

#### D. Used Vehicles (Ghost Fleet)

Fleet Services is responsible for establishing methods and procedures to manage the used vehicle fleet with the goal of ensuring Boulder County Fleet is adequate, safe, and right sized for all departments served.

#### E. Vehicle/Vehicle Equipment Transfer

Vehicles may not be transferred between county offices/departments without the review of the Fleet Services Division staff and Purchasing.

Any vehicle /vehicle equipment being requested for transfer will be evaluated to determine if transfer is cost effective based on the lifecycle costs of the unit and its residual value. Any required repairs at the time of transfer-to the vehicle pool shall be repaired, and the cost charged back to the transferring office/department or as agreed upon by the receiving department.



## F. Accident Damage

Prompt repair of all body damage is required, subject to review and recommendation of the Fleet Manager and Risk Manager as appropriate and in accordance with [Risk Management policy](#).

Use of County Equipment During a Declared Emergency/Disaster All employees who utilize county equipment or vehicles must use preapproved tracking forms which meet FEMA standards to track mileage and project-related usage.

## **SECTION 7 ADMINISTRATION – FACILITIES, EQUIPMENT AND FURNISHINGS** **NUMBER 7.14 Use of County Vehicle Pool**

It is the policy of the BOCC to maintain and make available to the employees and volunteers a pool of county vehicles for use on county business.

Employees and volunteers using a pool vehicle must meet all criteria set forth within this policy.

The Office of County Administrator shall manage the downtown Boulder vehicle pool. The Budget Office and the Fleet Services Division shall make recommendations to the County Administrator concerning the following:

- When pool vehicles should be replaced or surplus
- The type of replacement vehicle, and
- Which vehicles should be assigned or transferred to the pool.

## **SECTION 7 ADMINISTRATION – VEHICLES AND FLEET** **NUMBER 7.15 Color and Markings for County Vehicles**

It is the policy of the BOCC to establish a uniform county image, part of which is represented by markings and color schemes of official county vehicles.

The BOCC is responsible for any changes to this policy.

The Fleet Manager is responsible for enforcing this policy upon receipt of requests for new or replacement vehicles.

Color. All official vehicles of Boulder County are to be ordered in white, except as described below:

Sheriff's Office: Shall be ordered in compliance with policies established by the Sheriff of Boulder County.

Road Maintenance Division: Will continue to use white and black.

Parks and Open Space Department: Green or white.

Markings

County Logo as a vehicle marking: On new vehicles with county plates, the county logo shall also be used as an official marking. The logo is to measure twelve (12) inches in diameter and shall be of white background with dark green for the dark areas.

Markings on Sheriff's and Road Maintenance vehicles: Shall not be changed, but will remain as they are under the current policies of the Sheriff's Office and the Road Maintenance Division.

Purchasing shall be responsible for monitoring the county vehicle orders to ensure that the proper colors and markings are in place.

License Plates: In accordance with State Department of Motor Vehicle regulations, all county vehicles shall bear Boulder County license plates and logo unless regular plates are specifically authorized by the BOCC.

## **SECTION 7 ADMINISTRATION – VEHICLES AND FLEET**

### **NUMBER 7.16 Vehicle and Equipment Idling**

It is the policy of the BOCC that engine idling of powered vehicles and equipment owned, rented, or operated by any Boulder County office/department is limited to five (5) minutes per event, with the following exceptions:

During law enforcement, emergency, and traffic control operations, or at any time when engine operation is necessary to power overhead warning lights and/or other safety devices.

If necessary to ensure safe operation of the vehicle or equipment, as in buildup of air pressure to safe levels or warming fluids to safe operating temperatures.

At any time deemed necessary for the safety of employees or the public or when necessary to avoid damage to vehicle or equipment components.

## **SECTION 7 ADMINISTRATION - RISK**

### **Number 7.19 Safety & Risk Policy Statement**

In order to provide a safe working environment for employees and visitors to Boulder County facilities, Boulder County has established a safety program that includes safety plans and procedures, proper claims reporting, general safety rules, and training programs, investigations and inspections, as needed.

All departments and offices are required to have safety plans or procedures, updated annually, and developed in conjunction with Risk Management. The intent of the plan or procedure is to mitigate risks to employees and visitors based on the nature of the work being performed and the worker's compensation and property/casualty claim history of the department or office.

The Risk Manager may require a department or office to establish a safety committee, schedule training for staff, or participate in investigations or site inspections by insurance carriers or others, as needed to ensure the safety of the workplace.

Within the broad scope of work responsibilities, all employees are required to perform job duties in accordance with the safety standards associated with the professional discipline in which the employee works. All questions about safety standards should be directed to the employee's supervisor or Risk Management.

Because good air quality supports a healthy work environment, Boulder County requires employees to adhere to the Indoor Air Quality guidelines outlined. Any concerns shall be submitted as outlined in the procedures.

To promote the safe use of hazardous materials and to minimize the health and environmental impact of their use, Boulder County requires employees to use and dispose of hazardous materials safely, document procedures, and follow the outlined procedures. The Risk Manager shall review the inventory annually from each department or office that uses hazardous materials. The Risk Manager may authorize or conduct an inspection of any county operation where hazardous materials are used to ensure employees are following proper safety practices in the use, handling and disposal of these materials. Based on the annual review or any inspections, the Risk Manager may require departments or offices to change their procedures to more safely use and dispose of hazardous materials.

The Risk Manager is the chair of the Hazardous Materials Safety Committee. The Elected Official and/or Department Head for each office/department shall select employees based on their user roles to participate on the committee.

All employees are required to report any accident or activity that results in personal injury to the employee's supervisor, regardless of whether the injury needs professional medical attention. The report must occur prior to the end of the work shift in which the accident or activity occurred.

All employees also are required to report any incident of damage or loss of county property or damage to other property including vehicles and equipment. The report must occur prior to the end of the work shift in which the damage or loss occurred.

Individual offices or departments are responsible for the first \$1,000 of any at-fault loss or damage, with the possible exception of damages caused by a third party, at the discretion of the Risk Manager.

Investigations of incidents of injury, loss or damage will take place at the discretion of the Risk Manager and in consultation with the County Attorney's Office or outside legal counsel. Investigation results will be presented to the EODH of the department in which the loss occurred, along with the County Attorney. Any disciplinary action as a result of the investigation is the responsibility of the EODH in consultation with Human Resources.

The Board of County Commissioners has delegated authority to the Risk Manager for limited settlement of claims brought against the county. The settlement authority limit for the Risk Manager shall be for no more than \$500,000. The Risk Manager shall confer with the County Administrator on all settlement issues, with the County

Attorney's Office on all liability claims within this limit or any property/casualty claim involving litigation, and with outside counsel on all litigated Worker's Compensation claims. Further, the County Attorney's Office is authorized to investigate and respond to notices of claims filed pursuant to C.R.S. §24-10-109 and may advise the BOCC on claims in executive session.

## **SECTION 7 ADMINISTRATION - IT**

### **NUMBER 7.20 Purpose and Scope**

#### **A. Purpose**

Boulder County has an established culture of openness, trust, and integrity. The purpose of this policy is to provide guidance and to protect Boulder County, its employees, and partners from illegal or damaging actions by individuals, either knowingly or unknowingly.

The use of information technology resources, including access to email, the internet, county applications and systems, etc. is a privilege that enables county employees to perform their jobs efficiently, and it is incumbent upon each employee to ensure that these resources are used in a safe manner.

This policy is supported by the statement of compliance that employees and other authorized users must acknowledge and agree to before gaining access to county IT resources.

This policy is a set of minimum requirements that must be adhered to in order to establish a consistent baseline of acceptable use of county IT resources. Departments/Offices may have the need for more stringent requirements for acceptable use because of the type of data being stored or transmitted in a system. Once identified, these requirements will be implemented and supersede the minimum requirements.

Information Technology maintains an Information Security Program to control risks associated with access, use, storage, sharing, or destruction of sensitive information. IT documents the program details on the IT Security website.

#### **B. Scope**

This policy applies to all Boulder County Departments and Offices and organizations managed within the county IT environment.

This policy applies to the use of information, electronic and computing devices, and network resources to conduct Boulder County business or interact with internal networks and business systems, whether owned or leased by Boulder County, the employee, or a third party.

All employees, contractors, consultants, temporary, and other workers at Boulder County are responsible for exercising good judgment regarding appropriate use of information, electronic devices, and network resources in accordance with Boulder County policies and standards, and local laws and regulation.

This policy also applies to any entity providing information technology (IT) or any IT related products, goods, equipment, hardware, supplies, software, services, or any other IT related resource to any Department/Office.

This policy is not intended to govern the use of county IT resources made available for public use (e.g., public Wi-Fi in county facilities by members of the public); rather, such public use will be governed by any terms and conditions of access acknowledged and agreed to by users upon first accessing public-facing county IT resources.

## **SECTION 7 ADMINISTRATION - IT**

### **NUMBER 7.21 Acceptable Use Policy**

All county IT resources, information, and data are the sole property of Boulder County, and applicable statutes, policies, and guidelines govern their use. All users must use county IT resources in an acceptable manner as defined within this policy.

Boulder County can monitor and/or investigate any user's county network, internet, system, or email accounts, and their usage for legitimate business reasons, whether on a county-issued or personal device authorized to connect to the county network. This monitoring and/or investigation can include IT resource performance, employee performance, compliance with IT or Department/Office policies, compliance with any applicable laws and industry regulations, and any reasonable suspicion of activities that may violate policy.

## **SECTION 7 ADMINISTRATION - IT**

### **NUMBER 7.22 Compliance and Training Policy**

Employees must complete the security awareness training provided by IT within the first 60 days of their employment and annually thereafter. Individual departments/offices may require additional training. All employees are responsible for maintaining a basic understanding and awareness of reasonable cyber security practices.

The IT Security Team will verify compliance with this policy through various methods including but not limited to business tool reports, internal and external audits, and feedback to the policy owner.

Failure of county employees or other users to comply with any IT policy may result in, as applicable: Loss of or reduced access to county IT resources; corrective actions and/or disciplinary action up to and including termination of employment and/or referral to law enforcement.

A violation of this policy by temporary workers, interns, volunteers, contractors, or vendors may result in termination of their contract or assignment with Boulder County.

Exceptions to the policy must be approved by the IT Security team in advance.

## **SECTION 7 ADMINISTRATION - IT**

### **NUMBER 7.23 Electronic Communication and Internet Use**

Internet services approved for a user should be limited to what is necessary for their job function. The purpose of internet access from county resources is to conduct county business.

Acceptable activities using county communications accounts include: Communicating with fellow employees, business partners, and clients within the context of an individual's assigned job duties and responsibilities; Acquiring or sharing information necessary or related to the performance of assigned duties; Participating in educational or professional development activities.

Users should have no expectation of privacy. All electronic communications (including, but not limited to, email, text messages, instant messages, and any other forms of electronic communication) sent to and from county-assigned accounts are the property of Boulder County.

## **SECTION 7 ADMINISTRATION - IT**

### **NUMBER 7.24 Data Protection and Handling**

Users may learn, or have access to, sensitive information concerning county business, residents, and/or employees. It is the responsibility of users to maintain the confidentiality of all county information. Users must always take precautions to protect against the unauthorized or careless disclosure of this information and should never share account credentials.

Users shall not send or disseminate PII or other sensitive, regulated, or confidential information in an unencrypted form over a county network or the internet.

Devices storing Sensitive Information, even for a limited duration, must be encrypted in compliance with all applicable Boulder County Information Security Policies and Standards. Sensitive Information shall not be downloaded or stored on personal devices.

Data stored on a county-owned or county-managed remote storage location or cloud service may be accessed on an approved personal device provided no data is downloaded to local storage on the personal device.

To further protect data, it is the responsibility of each department/office to ensure compliance with the Boulder County Retention Schedule and purge data and documents that have met the stated retention period.

## **SECTION 7 ADMINISTRATION – IT**

### **NUMBER 7.25 Incident Reporting**

IT has created a cybersecurity incident response plan that supports service delivery to department/offices. The success of this incident response plan depends on users quickly reporting suspected issues to the IT Service Desk. The incident response plan is described in greater detail on the IT Security webpage.

If suspicious activity occurs, users are required to report the incident to the IT Service Desk and to their immediate supervisor immediately. Examples of suspicious activity include but are not limited to unusual pop-ups and/or virus warnings; suspicious callers attempting to obtain user password and/or other personal information; suspected attempts to gain unauthorized access to an IT resource; witnessing suspected unauthorized use of removable media.

IT makes every attempt to block access to websites that violate local, state, or federal laws and regulations, this policy, or any other county policies. Because of ever evolving technology, the county cannot be aware of every possible website that contains inappropriate content and users are encouraged to report these websites to the IT Service Desk for blocking.

## **SECTION 7 ADMINISTRATION – IT**

### **NUMBER 7.26 License Agreements/Copyright Compliance**

County IT resources must be used in accordance with the terms of software license agreements or other copyright restrictions in order to protect Boulder County, its officials, and users from possible legal action. Users may not access or store any copyright material using any County IT Resource without an appropriate license. Examples of unacceptable use of County IT resources would be installing pirated or unlicensed software or engaging in peer-to-peer file sharing to acquire unlicensed media or other copyrighted files. Users should direct any questions or concerns regarding copyright or license issues to IT.

## **SECTION 7 ADMINISTRATION – DOCUMENTS, RECORDS, MEDIA**

### **NUMBER 7.27 Remote Access and Authentication**

Unless specifically prohibited by a policy of IT or a department/office, users may be granted Remote Access to county IT resources for the purposes of accomplishing county work duties.

Users may Remotely Access a County IT Resource via a personal device to the extent permitted by the Remote Authentication configuration for that County IT Resource.

Users should only Remotely Access a County IT Resource for a discrete county business purpose, and then only for the shortest possible duration. Users must take reasonable effort to ensure that any device used to connect to a County IT Resource is secured consistent with best practices for use of personal computing devices, including without limitation that the device is free from malware infection; protected by strong authentication such as a password or PIN; is set to automatically receive security and other operating system updates from the device or software manufacturer.

Employees must safeguard IT Resources used for county business from loss or theft. Devices used for county business, including personal IT resources with Remote Access, that are lost or stolen must be reported immediately to the employee's supervisor and the IT Service Desk.

Boulder County reserves the right to access and wipe any device, including any personal device used for county business without prior notification, to ensure the protection of county data.

## **SECTION 7 ADMINISTRATION – IT**

### **NUMBER 7.28 Social Media**

County IT resources provided to employees are for Boulder County business only. Employees should not use IT resources such as mobile phones, laptops, and tablets, to post on personal social networking sites (Facebook, Imgur), social media sites (Twitter, Instagram), discussion boards, newsgroups, chat rooms, or other online groups unless social media and social networking communications are done so on official Boulder County business as part of an employee's role, and approved by an EO/DH. Users shall comply with applicable departmental/office social media policy or procedures in addition to this policy.

As members of the public, users may engage in personal activities on county IT



resources made available for public use (e.g., public Wi-Fi in County facilities). Department/Offices may have their own policies regarding social media use. Users shall comply with any applicable department/office social media policy or procedures in addition to this policy.

## **SECTION 7 ADMINISTRATION – IT**

### **NUMBER 7.29 User Privacy and Right to Monitor and Investigate**

Files or data that are created, entered, stored, or downloaded to a county IT resource, and transmissions sent or received by users, including those sent or received by email, instant messaging, voicemail, text message, or over the internet can be accessed, monitored and investigated by authorized personnel in IT at any time, for any reason without the prior consent of the user. As such, users shall have no expectation of privacy when using a county IT resource or accessing county data.

Information created, collected, generated, or stored by a user on either county-owned computing devices or personal computing devices that are authorized to connect to county IT resources may be disclosed to Human Resources, and law enforcement if criminal activity is suspected. This disclosure will be at the discretion of IT, the user's EO/DH and Human Resources, as applicable, during or after the course of investigating suspected acceptable use violations.

Electronic communications and documents pertaining to county business are subject to the Colorado Open Records Act (CORA), C.R.S. §24-72-201, et seq. Any communication made using personal devices is also subject to CORA to the extent it pertains to county business. Any user using a personal device for county business is responsible for searching the personal device or account in response to any request for records under CORA.

## **SECTION 7 ADMINISTRATION – IT**

### **NUMBER 7.30 Records and Content Management**

#### **A. Official Records Custodians**

1. Boulder County EO/DH are the custodians of records maintained within their respective offices and departments.

#### **B. Colorado Opens Records Act (CORA)**

1. As a political subdivision of the State of Colorado, Boulder County and its employees are subject to the Colorado Open Records Act. Correspondence of an employee in the form of electronic mail may be a public record under the Act and may be subject to public inspection under section 24-72-203 of the Colorado Open Records Act. The Act requires that all "public records" as defined in the Act be available for inspection and copying by any member of

the public upon request.

2. It is the policy of the BOCC that all public records shall be open for inspection by any person at reasonable times, except as provided by the Colorado Open Records Act (CORA) or by other laws. This policy is intended to provide a guideline for employees handling public records requests and will be deemed modified by additional or new language added to CORA.

#### C. Records Retention Schedule

1. It is the policy of the BOCC to control the lifespan of records generated, retained, and stored and disposed of, through use of a records retention policy based on state or federal statutes, or as directed by the CA. As such, the BOCC has authorized the County Records Manager to create and maintain a countywide document retention and storage schedule.
2. The IT Records Management section (hereafter referred to as Records Management) is responsible for the development and ongoing maintenance of a records retention and storage schedules for all county documents. These schedules will be developed and maintained through an annual records inventory within each office/department.
3. The final records retention schedule will be sent to the Colorado State Archives and Colorado State Attorney General for approval after it is finalized by the County Records Manager, the CA, and the office/department.
4. It is the responsibility of the office/department to determine if there are State or Federal statutes that govern document retention within each office/department. Documents may not be retained for less time than required by statute.
5. It is the responsibility of the EO/DH or EO/DH designee, in cooperation with the County Records Manager and the County Attorney, to determine which records are to be declared as records and which are to be declared as non-records. In no instance shall retention of records be determined by format.
6. It is the responsibility of each office/department to ensure the disposition of electronic public records and their system documentation are scheduled in accordance with the county's Records Retention and Disposition Schedule. Information on the county's current retention and disposition can be obtained from the IT Records Management Division.
7. Records retention schedules are effective for all records, regardless of format. Offices/departments may receive a copy of their retention schedule by contacting Records Management.

#### D. Litigation Holds

1. In order to ensure good faith compliance with discovery obligations contained in the Federal Rules of Civil Procedure, Boulder County's document retention/destruction policy is amended to include a procedure to suspend the policy for certain electronically stored information relevant to reasonably anticipated litigation.
2. When litigation is reasonably anticipated, an EO/DH must notify the County Attorney's office and IT to suspend the electronically stored information deletion policy and take reasonable steps to preserve and collect electronically stored information relevant to the litigation.
3. The County Attorney will notify IT and the EO/DH to suspend the electronically stored information deletion policy.
4. IT will take reasonable steps to preserve and collect electronically stored information relevant to reasonably anticipated litigation.

#### E. Disposal

1. In accordance with Boulder County's Zero Waste resolution and policies, all unwanted documents and records eligible for destruction produced or maintained by Boulder County departments and offices will be recycled rather than shredded in all cases, except where documents contain personal identifying information and other sensitive information.
2. It is the policy of the BOCC to promote responsible recycling or end-of- life disposal of all electronics waste. The Boulder County Resource Conservation Division Manager or designee can authorize and/or conduct and inspect any county facility regarding storage, collection and recycling of electronics waste.

#### F. Printed Material Standards

Boulder County will maintain a consistent image in printed materials through adherence to specific guidelines related to design and production of the county's logo, color scheme, font choices, and signage. The Boulder County style guide, updated annually by the Public Information Group, sets the standards for printed communications elements for the county.

## **SECTION 7 ADMINISTRATION – IT**

### **NUMBER 7.31 Unacceptable and Prohibited Use of County IT Resources**

- A. Users' internet usage must comply with all federal, state, and Boulder County laws and policies.
- B. If usage of a County IT Resource is deemed unacceptable or is impeding the user's ability to perform their job duties, the user's supervisor or EO/DH, and IT has the

right to restrict access and/or initiate corrective or disciplinary action as appropriate.

- C. The use of county IT resources for any commercial purpose or personal financial gain is strictly prohibited.
- D. County IT resources may not be used at any time for participation in political activities.
- E. Users are discouraged from using county IT resources to conduct personal business, such as making online purchases, banking, etc. as this can expose both the county and individual to unacceptable security risk. If in doubt, check with an immediate supervisor for permission.
- F. County IT resources shall not be used in a manner that jeopardizes the confidentiality, integrity or availability of the IT Resources.
- G. Users may not use County IT Resources, including public-facing county IT Resources, to send, receive, or access any content or communication of a defamatory, discriminatory, harassing or pornographic nature. Prohibited content shall include anything that is offensive based on a person's disability, race, creed, color, sex, sexual orientation, religion, age, national origin, or ancestry, or that would otherwise contribute to an intimidating, hostile, or offensive work environment.
- H. Users may not use County IT Resources, including public-facing county IT Resources, to engage in any conduct in violation of any local, county, or federal law or regulation, any county policies, or any of the County Information Security Policies. Prohibited conduct shall include the use of disparaging, abusive, profane, or offensive language and any illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access to any computer system, network, or account.
- I. Users may not take any unauthorized, deliberate action which damages, disrupts a county IT resource, alters, or degrades its normal performance, reduces the established security controls, or causes it to malfunction.
- J. Unauthorized access to any County IT Resource is prohibited. Users may not intentionally use county IT resources to access, or attempt to access, any machine, IT resource, network, file or information that they are not authorized to access by virtue of the privileges associated with their user account. Such unauthorized access may constitute a violation of law and be subject to penalty under law, as well as disciplinary action up to and including termination.
- K. Users may not download or install software on county IT resources without express permission of IT. All unauthorized software will be removed upon discovery. Examples of unauthorized software include but are not limited to shareware; freeware; hacking or security software; software intended for personal use;

registry cleaners; peer-to-peer software; personal firewalls.

L. Users may not place any advertisement(s) on the county website.

## **SECTION 7 ADMINISTRATION – IT**

### **NUMBER 7.32 Personal Use of County IT Resources**

Limited personal use of county IT resources, including telecommunication services, is permitted but not encouraged due to the proliferation of cybersecurity threats. This use should only occur when access complies with the requirements of this policy, does not interfere with work and individual duties, does not increase costs to Boulder County, or create undue security risks. Such limited personal access and use is a privilege, not a right, and can be revoked at any time.

Any personal use of County IT Resources is at the user's own risk. Boulder County is not responsible or liable for any personal data that is transmitted over County IT resources.

Personal communications made using County IT Resources may be subject to monitoring or investigation by Boulder County and require disclosure under CORA.

## **SECTION 7 ADMINISTRATION – IT**

### **NUMBER 7.33 Cyber Security**

Under no circumstances are Boulder County employees authorized to engage in any activity that is illegal under local, state, federal, or international law while utilizing Boulder County-owned technology information resources. As such, nothing in this policy should be interpreted as limiting the rights and authority of law enforcement criminal or internal affairs investigation.

Employees are responsible for maintaining a basic understanding and awareness of reasonable cyber security practices. Employees must complete the security awareness training as provided by IT within the first 60 days of their employment and annually thereafter. Individual departments and offices may require additional training based on the nature of their work and compliance regulations.

Violation of this policy may result in disciplinary action, as described in the *Disciplinary Actions to be Based on Cause Policy*. Questions about the policy should be directed to the Information Technology

Security Team ([ITSecurityTeam@bouldercounty.org](mailto:ITSecurityTeam@bouldercounty.org)) or the Information Technology Division Director.

#### **A. Objective and Scope**

1. The objective of this policy is to ensure that employees manage security in a manner that protects the confidentiality, integrity, and availability of the

county's technology resources.

- a. Confidentiality means protecting the county's technology resources from unauthorized access.
- b. Integrity is the assurance that only authorized individuals can modify the county's technology resources.
- c. Availability ensures reliable access and performance to the county's technology resources.

2. The scope of this policy includes:

- a. County employees and other individuals who access County technology resources to conduct county business
- b. Technology resources that are owned, leased, or used by county staff or authorized contractors
- c. Resources including but not limited to hardware, software, network, storage media, email, and file transfer and digital assets (data, documents, images, etc.)
- d. Any device used to access County technology resources, whether county-owned or personal.
- e. Use of county technology resources from any location including county offices, employee home or alternate work locations, contractor facilities, e.g. telecommuting, remote access, etc.
- f. Evaluation and selection of computer network, hardware, software and/or services.

Appropriate protection of these resources reduces losses associated with intentional or accidental information disclosure, modification, destruction, or denial of service. Inappropriate use of these resources exposes the county and its constituents to risks including virus attacks, compromise of network systems and services, additional cost, and legal issues. This policy protects the county and its employees, as well as the county's constituents, contractors, vendors, and agents.

B. Access and Usage, including Prohibited Usages

1. Only individuals with a Boulder County network logon ID and password will be granted direct or remote access to Boulder County's network.
2. Employees with a Boulder County network logon ID and password may have remote access to the county's email and calendar application ('Webmail') and other externally hosted County applications with access secured by county network credentials.
3. Boulder County's Information Technology Division may, as a routine practice, install remote access utilities on county-owned devices distributed to employees to enable enterprise mobility.
4. Prohibited Uses: The following activities are prohibited for security reasons. The activities listed are not exhaustive but provide a framework for activities that fall into the category of prohibited use.
  - a. Providing network or application access login information to anyone, even

family members.

- b. Logging on to the Boulder County network and allowing another person who is not authorized to access the network to use Boulder County applications, files or data.
- c. Revealing application logon IDs or passwords to others or allow account use by others.
- d. Circumventing user authentication (login) to any county systems.
- e. Unauthorized copying to county computers or storage device of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books, or other copyrighted sources, copyrighted music, copyrighted video, and the installation of any copyrighted software for which the county or user does not have an active license.
- f. Intentionally introducing malicious programs into the network or server (e.g., viruses, worms, Trojan horses, email bombs, etc.).
- g. Attempting to make a network connection to a host in a vendor's or affiliate's network that is not specifically required for legitimate Boulder County business operations.
- h. Affecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging in to a server or account that the employee is not expressly authorized to access. "Disruption" includes, but is not limited to, network sniffing, ping floods, packet spoofing, denial of service, forging routing information for malicious purposes, and port scanning or security scanning of Boulder County systems, vendor systems, or other any third-party systems.
- i. Executing any form of network monitoring that will intercept data not intended for the employee's host.
- j. Interfering with or denying service to any user other than on the employee's host (for example, denial of service attack).
- k. Using any program/script/command, or sending messages of any kind, with the intent to interfere with or disable a user's terminal session, via any means, locally or via a network.

Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g. system administration staff may need to disable network access of a host if that host is disrupting network or other computer services). Reference the Policy Exceptions section of this policy.

### C. Security of Technology Resources

- 1. Any device connected to the county network, directly or remotely, must be properly secured with operating system patches, antivirus software, etc.
- 2. Direct and remote access connections may be automatically disconnected

- after a period of inactivity. Remote access connections may also have an absolute limit on connection time, regardless of activity.
3. Employees and contractors are not permitted to install or enable additional software or services in their environment without the approval of their EO/DH or designee in consultation with the Information Technology Security Team. For example, installing screensavers such as webshots, instant messaging services, and password-gathering software is not permitted because of the possible adverse security implications.
  4. "Download and install now?" pop-up boxes and the like must not be used without authorization from the Information Technology Security Team.
  5. Employees and contractors should not store private, confidential and sensitive information on their computer's C: drive or other local storage.
  6. Private, confidential and sensitive information should be encrypted. For encrypting guidance, contact the ITSecurityTeam@bouldercounty.org
  7. Remote Access connectivity and device security requirements
    - a. Boulder County employees and 3<sup>rd</sup> party contractors, vendors, and agents with remote access privileges to the county's network are responsible for ensuring that their remote access connection is given the same security consideration as the user's on-site connection to the county.
    - b. The remote access user must make all attempts to connect in a secure fashion when using a personal device – including the use of appropriate passwords, virus/malware scanning software, and secured wireless environments
    - c. The remote access user also agrees to immediately report to their manager and the Information Technology Division Service Desk any incident or suspected incidents of unauthorized access or disclosure of County network or data information resources.
  8. If a personally- or county-owned device used for county business is damaged, lost, or stolen, the authorized user is responsible for immediately notifying their manager AND the Information Technology Division Service Desk.
  9. When the county accepts computer equipment it does not own, Information Technology must verify that the equipment has not been compromised and is secure upon arrival at county facilities. All equipment must conform to the Boulder County Cyber Security Policy while connected to the network.
  10. Devices are to be positioned in such a manner as to avoid accidental, unauthorized exposure of private and sensitive information. This policy applies to desktop computers, laptop computers, mobile phones, tablets, electronic diagnostic equipment, flash drives and other storage media connected to or stored in the immediate environment. Displays are to be locked when unattended. Access to devices is to be restricted to authorized users.



#### D. Administrative User Account Rights

1. Boulder County computer users will not be granted administrative rights by default.
2. Administrative rights will only be granted by exception, to individuals with a verified business need to access Boulder County resources.
3. Accounts must be granted with the minimum level of access and on the minimum number of systems required for the user to complete their required business tasks.
4. Administrative accounts must only be issued based on authorization by the EO/DH or authorized designees in consultation with the Information Technology Security Team.
5. Administrative accounts must be authorized and issued in a planned way to ensure procedural correctness. Accounts should never be authorized or issued under the pressure of time or outside of proper procedure.
6. Administrative accounts must adhere to the User Passwords and Authentication section of this Policy.

#### E. User Passwords and Authentication

1. Boulder County employees and other individuals with access to Boulder County technology resources are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.
2. Boulder County EO/DH or authorized designees in consultation with the Information Technology Security Team are responsible for promoting the creation and use of secure passwords by users.
3. Requirements
  - a. All accounts, including accounts within major applications must have a password that conforms to this policy.
  - b. All user and system-level passwords must be changed at least every 180 days.
  - c. User accounts with system-level privileges granted through group memberships or other privilege-conveyance programs must have a unique password from any other account held by that user.
  - d. Passwords must not be inserted into email messages, voice mail, or other forms of electronic communication.
  - e. Shared system administration passwords that must be documented (root, administrator, Oracle), must be stored in a secure manner.

#### F. Vendor and Customer Accounts

1. External connections to third parties from the county network are sometimes necessary to facilitate business operations. External connectivity must be deployed in such a way that it minimizes security risk to the county.
2. Workstations using generic logins must be "locked down" such that the only

application that can be started is the intended application, and that external devices (CD/DVD or flash drives) are disabled.

### 3. Requirements

- a. Information Technology Security Team must approve external connections to Boulder County network and generic login accounts.
- b. Generic ("shared") login accounts may only be used on workstations specifically intended for public access. Generic logins should never be used on Boulder County internal workstations.
- c. Generic logins must never be used to access private, confidential or sensitive information, e.g. PII, HIPAA, CJIS.
- d. Generic logins must have tightly restricted privileges, such that they cannot access any network shares or other resources beyond those specifically required for the application they are used to provide.

## G. Electronic Information Security

1. Information handled at Boulder County is categorized into Three classifications, regardless of whether it is electronic or other form.

The categories include:

- a. Boulder County Public - Boulder County Public is information that has not been classified as exempt from the Colorado Open Records Law.
  - b. Boulder County Protected - Boulder County Protected is information exempt from the Colorado Open Records Law, such as records of investigations, medical data, personnel files; letters of reference, trade secrets, library records; addresses of public-school children; and sexual harassment complaints under investigation.
  - c. Boulder County Protected Health Information (PHI) -Boulder County PHI is information covered under the HHS HIPAA procedures, and must be handled as specified by HIPAA regulations.
2. The definition of what is disclosed to the public is determined by Colorado's Open Records Law (C.R.S. 24-72-201).
  3. Information considered private, confidential or sensitive must be protected during transmission of the data utilizing encryption or other system of controls that ensure the information is not accessed by anyone other than the intended recipient Sensitive and confidential materials should not be stored in cloud based file storage services (e.g. Dropbox, GoogleDocs) unless vetted by the Information Technology Security Team.
  4. Boulder County personnel are encouraged to use normal procedures or legal advice in securing Boulder County protected information. If users are uncertain of the sensitivity of a particular piece of information, they must contact their direct EO/DH or designee.
  5. Questions about the proper classification of a specific piece of information must be addressed to the County Attorney.

#### H. Vendor and Product Selection

1. The introduction of vendors and new products into the Boulder County environment can often present a security concern. Purchase of any computing-related items, including computer-related hardware, software, network equipment, or related services (e.g. SaaS) must be approved by the Information Technology Security Team. This does not include basic peripherals and similar (e.g. keyboards, mice).
2. Only products that have entered the organization adhering to this policy can be connected to the county network.
3. Information Technology Security Team must provide a written "Security Risk Assessment" for all purchased or leased software and hardware products.

#### I. Virus Protection

1. Virus protection software must be installed and maintained on all resources connected to the county network and externally hosted applications.
2. All county employees are expected to comply with virus protection procedures as identified in the required IT Security Training.

#### J. Compliance and Monitoring

1. The Information Technology Division will monitor compliance with this policy through various methods, including network access monitoring tools and, reports, internal and external audits, and inspection.
2. For security and network maintenance purposes, authorized individuals within Boulder County may monitor equipment, systems, and network traffic at any time.
3. The County reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.
4. The remote access user agrees to and accepts that their access and / or connection to the County network, applications, files and data may be monitored to record dates, times, duration of access, etc., in order to identify unusual usage patterns or other suspicious activity.
5. Compliance concerns or violations will be reported to the user and supervisor.

#### K. Policy Exceptions

1. The Information Technology Security Team, with the Information Technology Division Director, will review and maintain all policy exception requests and dispositions.
2. Requirements
  - a. Exceptions must be submitted using an IT Service Request.
  - b. All policy exceptions must be reviewed by the Information Technology Security Team who will provide disposition recommendations to the

Information Technology Division Director.

- c. The Information Technology Division Director will approve or deny the policy exception request, and the Information Technology Security Team will notify the requestor of the decision.
- d. The Information Technology Security Team must annually review all previously granted exceptions and determine whether they still need to stand.
- e. Policy exceptions must be only granted based on business need.
- f. Policy exceptions not approved by the Information Technology Security Team will be considered noncompliance and may be subject to disciplinary action.



## **SECTION 8 BUDGET AND FINANCIAL MANAGEMENT - BUDGET NUMBER 8.1 General Policy**

Annually, the Boulder County Board of County Commissioners (BOCC) has the authority and responsibility to adopt and manage implementation of a budget approving the use of public funds for the operation of all County functions.

In preparing its annual budget, Boulder County follows the provisions of the Division of Local Government Budget Law of Colorado. This law requires the adoption of an annual budget by all Colorado counties. Colorado State law (CRS Title 29) specifies requirements that must be followed in budgeting.

## **SECTION 8 BUDGET AND FINANCIAL MANAGEMENT - BUDGET NUMBER 8.2 Budgeting for Staffing Levels and Compensation**

It is the policy of the BOCC that the Full Time Equivalent (FTE) salary base for the subsequent budget year may be no greater than the sum of the amount approved for permanent salaries (funded at 100%) and the merit pool for the current year.

All permanent wage line items are funded at 100% of the total needed per annual

personnel schedules submitted by Human Resources

## **SECTION 8 BUDGET AND FINANCIAL MANAGEMENT - BUDGET NUMBER 8.3 Budget Amendment Policy**

A. It is the policy of the BOCC that budget appropriations may only be adjusted for certain reasons and according to specific criteria, which are listed below:

1. Budget appropriations may be adjusted due to one or more of the following reasons:
  - a. Appropriation Transfers: The transfer of budgeted monies from an appropriation to a different appropriation, either within a fund or between funds.
  - b. Supplemental Appropriations From Additional Revenue: During the fiscal year, unanticipated and unbudgeted revenues are received from sources other than the local government property tax mill levy, or the beginning fund balance is in excess of the budgeted beginning fund balance.
  - c. Contingency (Emergency Reserve) Transfers: In cases of declared emergency, the BOCC may authorize transfers from the emergency reserve in accordance with Article X, Section 20 of the Constitution of the State of Colorado, commonly known as Tabor. The reserve must be maintained at an amount equal to 3 percent of fiscal year spending.

B. Revenue Shortfalls: If actual revenues are less than budgeted revenues, the BOCC will determine how or if appropriations are reduced.

C. Criteria for adjustment to appropriations:

1. Transfers -\_One appropriation unit is identified as having an insufficient budget, while another appropriation unit is identified as having an excess budget.
2. Supplementals From Unanticipated Revenue or Fund Balance
3. A policy, law, statute, or court ruling becomes effective which mandates expenditures that were neither anticipated nor budgeted.
4. An expenditure essential to the operation of a county office/department was neither anticipated nor budgeted.
5. Revenue is received that is designated for a particular purpose that was neither anticipated nor budgeted.

D. Supplementals From the Contingency Fund (Emergency Reserve)\_The situation must be a BOCC declared emergency defined as:

1. Caused by an act of God.

2. Caused by a public enemy.
  3. Some other catastrophic occurrence which could not have been reasonably foreseen at the time of adoption of the budget.
- E. Budget Amendments - The adopted budget is a financial plan, and as such, occasional modifications may be necessary during the year for a variety of circumstances, including multi-year projects in which approved budget and expenditures cross from one fiscal year to the next.

When considering amendments to the budget for approval, the BOCC, Chief Financial Officer, and Budget Director shall consider the sustainability of any additional expense in future years, the adequacy of spendable resources, and weighing the amendment against other budgetary priorities and needs.

Amendments that do not require additional, increased, or new General Fund financial commitments may be approved as follows:

1. The Budget Director is authorized to approve modifications to the current budget for the following purposes:
2. Transfer budgeted amounts within an Object Classification for a spending agency. -
3. Adjust beginning fund balances to audited amounts.
4. Adjust the budget of the Public Trustees Office as directed by that office.
5. Adjust the budget for increased revenues that are not to be expended in the current year.
6. Adjust the budget for revenue and/or expenditures previously approved by the BOCC.
7. Carryover and re-appropriate funds remaining from an uncompleted project previously approved by the BOCC for a spending agency and budgeted in the prior year.

## **SECTION 8 BUDGET AND FINANCIAL MANAGEMENT - BUDGET**

### **NUMBER 8.4 Vacancy Savings Policy**

The Office of Financial Management will budget salaries at 96% of personnel costs at the departmental level and budget the remaining 4% in a pool to fund related countywide expenses. Examples of pool usage would include funding salaries for those departments that incur no vacancies during the current budget year as well as medical and vacation payouts for departing staff.

**SECTION 8 BUDGET AND FINANCIAL MANAGEMENT – FINANCIAL MANAGEMENT  
NUMBER 8.10 Payment Authorization, Procurement Cards, Chargebacks, Cash  
Handling, Subsidization of Grants, Revenue and Debt**

**A. Payment Authorization**

It is the policy of the BOCC that all payment documents and backup documentation submitted for payment must contain an authorized signature (either hand-written or electronic ID) and a second signature, initials, or electronic ID. No one may authorize payment to him/herself.

**B. Procurement Cards**

Cardholders are authorized and issued procurement cards through their EO/DH and are responsible for following purchasing policy.

Cardholders and office/department liaisons are responsible for following participant's responsibilities listed in the Boulder County Cardholder's Manual.

**C. Chargebacks**

It is the policy of the BOCC that Boulder County will not participate in a full chargeback accounting system for internal services and purchase of supplies. However, offices/departments will be charged the actual costs of providing specified internal services and purchasing supplies, as determined by the office/department providing the service.

**D. Cash Handling**

It is the policy of the BOCC that offices/departments follow a proper separation of duties in the handling of cash.

**E. Subsidization of Grants**

It is the policy of the BOCC that all Boulder County federal, state, and local grant programs must be self-sufficient and not subsidized by county funds. Any exceptions to this policy must be presented to the Office of Financial Managements Grant team in written form and approved by the BOCC at a business meeting at the time that grant award is approved.

**F. Revenue Policies**

The following items are revenue policies of the BOCC:

1. Boulder County will maintain a diversified and stable revenue base, to the extent it has legal authority to do so, to protect it from short-term revenue shortfalls.
2. Boulder County will follow an aggressive policy of collecting revenues.

#### G. Debt Policies

1. Boulder County will confine long-term borrowing to capital improvements. The payback period will not exceed the useful life of the project.
2. There will be no lease purchase without BOCC approval.
3. Debt will not be used to fund current operating expenses.
4. Total general obligation debt may not exceed one-and-one-half percent of assessed valuation of a County per Sec.30.26.301 C.R.S., 1973.

## **SECTION 8 BUDGET AND FINANCIAL MANAGEMENT – FINANCIAL MANAGEMENT NUMBER 8.11 Unclaimed Property**

It is the policy of the BOCC that the county shall retain and dispose of unclaimed property after a period of time of due diligence to determine the owner of the property, as allowed by §30-11-101(1)(i), C.R.S. and §38- 13104(1), C.R.S.

#### A. Definitions

For purposes of this policy, the following definitions shall apply:

1. "Owner" means a person, persons or entity, including a corporation, partnership, association, governmental entity other than the county, or a duly authorized legal representative or successor in interest of the same, which owns Unclaimed Property held by the county.
2. "Unclaimed Property" includes the following:
3. Intangible personal property, as defined by §38-13-102(7) (a), C.R.S., which has not been claimed by its Owner for more than one (1) year after it has become payable or distributable.
4. Personal property to which the Owner has specifically disclaimed any interest.
5. "Unclaimed Property" does not include:
6. Personal property acquired pursuant to a law enforcement investigation or activity.
7. Personal property subject to forfeiture pursuant to §18- 17106, C.R.S.,



and Article 33.5 of Title 39, C.R.S.

## **SECTION 8 BUDGET AND FINANCIAL MANAGEMENT - FINANCIAL MANAGEMENT NUMBER 8.12 Independent Contractors**

It is the policy of the BOCC that any independent contractors hired by Boulder County will have met the criteria set forth by the federal government and the State of Colorado.

Boulder County's insurance requirements, appropriate for the type of work being done, must be met.

It will be the responsibility of each office/department proposing to hire an independent contractor to apply the tests contained in the Internal Revenue Regulations for "Determining Worker Status," as well as the tests in C.R.S. 8- 70-115. A copy of the IRS regulations can be obtained from the Internal Revenue Service (Publication 1779). All Colorado Revised Statutes are kept in the County Attorney's Office.

It will be the responsibility of each office/department proposing to hire an independent contractor to ask whether the contractor is a PERA participant or retiree, including form Boulder County. HR and the Office of Financial Management are to be notified if the contractor is a PERA participant or retiree.



## **SECTION 9 PROCUREMENT AND PROCESSING - PURCHASING NUMBER 9.1 Purchasing Policies**

It is the policy of the BOCC that all purchases and commitments to purchase from budgeted funds shall be made in compliance with the Local Government Budget Law of Colorado.

Purchasing shall exercise its discretion in making purchases where quality as well as price and service is involved.

It is not the intent of this policy to cover every possible situation. Questions arising

from the use of this manual or in the handling of situations not covered herein should be directed to Purchasing.

The guidelines and thresholds that are described in this policy govern general county procurements. Purchases made with grant funds or procurements that require reimbursement from Federal or State agencies must follow the stipulations put forth by those entities, which may include compliance with the Code of Federal Regulations.

### **A. Authority of Purchasing**

Purchasing is hereby designated as agent for the BOCC, under the supervision of the County Administrator, to carry out the acquisition of goods and services needed by all offices/departments of the Boulder County government.

1. All purchases or commitments to purchase services or goods costing \$50,000 or more are made by Purchasing.
2. Only Purchasing is authorized to initiate, conduct, or conclude negotiations with a supplier for services or goods costing \$50,000 or more. It is recognized that other offices/departments may need to make contact with suppliers for preliminary technical discussions and to secure technical information. No commitment may be made during such contacts unless the goods or services will total less than \$50,000. There may be exceptions to this requirement in the event of a declared Emergency/Disaster, as indicated in this policy manual or by resolution.
3. Purchasing will ensure that outside sales, engineering, and other vendor representatives, who call on Boulder County, are referred to others in the county for technical consultation when appropriate.

### **B. Authorization Requirements**

1. For all purchases other than County insurance and benefits plans, tax abatements and refunds, real estate and property purchases, conservation easements and amendments, and grant applications.
  - i. Bids/RFP's/Quotes and Waivers under \$50,000 may be approved by EO/DH, County Administrator, or the BOCC:
  - ii. Bids/RFP's and Waivers \$50,000 to \$299,999 may be approved by the County Administrator or the BOCC
  - iii. Bids/RFP's and Waivers over \$300,000 must be approved by the BOCC.
2. For County insurance and benefits plans, tax abatements and refunds, real estate and property purchases, and conservation easements and amendments:
  - i. Up to \$100,000 may be approved by the County Administrator or the BOCC
  - ii. Over \$100,000 must be approved by the BOCC.
3. All grant applications and budget amendments related to grant funds must be approved by the BOCC.

4. Procurement processes must be renewed every five (5) years.

The following transactions require the approval or review of the authority indicated prior to the contract routing process which includes routing to the County Attorney's Office (CA), Risk, and Purchasing, and, depending on the amount of the transaction, approval by EO/DH, the County Administrator or the BOCC:

Transaction	Approval/Review
Contracts & agreements for Computer Services/Computer Equipment	EO/DH & IT Department Director
Contracts & agreements for the purchase and disposal of vehicles/vehicle-related equipment <i>regardless of cost</i>	EO/DH & County Fleet Manager
Contracts & agreements for building leases/rentals leasehold improvements & moving/remodeling (not open space related)	EO/DH & BCBS Manager
Contracts & agreements for legal fees & intergovernmental agreements	EO/DH & County Attorney's Office
Contracts and agreements for administration of Property, Casualty and Workers' Compensation for Self-Insured and Self- Administered Insurance Program with the exception of the annual insurance renewal premium	Risk Manager

The following transactions require the prior approval or review of the authority indicated:

Transaction	Approval/Review
Sale, trade, or disposal of material or equipment valued under \$5,000	RCD
Donation of any vehicle/vehicle-related equipment	County Fleet Manager, Purchasing & County Administrator
Sale, trade, or disposal of material or equipment valued at \$5,000 & over	Purchasing, RCD, & County Administrator

### **C. Conflict of Interest**

While establishing and maintaining satisfactory supplier relationships, the acceptance or solicitation of entertainment, loans, gifts, or special considerations by any county employee will not be permitted.

No employee, officer, or agent of the county shall participate in selection or in the award or administration of a contract if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when; 1) the employee, officer, or agent, 2) any member of the employee's immediate family, 3) the employee's partner, or 4) an organization which employs, or is about to employ, any of the foregoing; has a financial, personal or other interest in the firm selected for award.

Furthermore, an organizational conflict of interest exists when a person or business entity has or would be perceived as having an unfair competitive advantage because of activities or relationships with any of the entities listed in section C of this policy.

It shall be deemed a violation of the provisions of this manual for any employee, officer or agent, any member of the employee's immediate family, the employee's partner, or an organization which employs, or is about to employ, any of the foregoing to:

1. Sell goods and/or services, regardless of the amount to any office/department without participating in a competitive quote process solicited by the County, notwithstanding the provisions of Policy. A minimum of three (3) written quotes (fax and email quotes allowed) are required. Only if the quote received is considered the lowest, most reasonable price will a purchase be approved.
2. Seek, accept, obtain, or provide, directly from or to any individual, partnership, association, corporation, or other business entity or representative thereof, conducting or seeking to conduct business with Boulder County, loans (except with banks or other financial institutions), services, payments, entertainment and travel, vacation or personal trips, any gift, or money in any amount.
3. Knowingly exaggerate requirements for the purpose of temporarily enjoying a better price.
4. Knowingly underestimate requirement or deny the existence of a requirement to avoid doing business with a particular supplier.
5. Knowingly misrepresent competitors' prices, quality, or services to obtain concessions.
6. Assist a vendor in preparing a Bid, Request for Proposal, Quote or SOQ or to share procurement-sensitive information related to a competitive procurement with potential responders without providing it to all potential responders through an addendum process. Procurement-sensitive information includes, but is not limited to Requirements, Specifications, Statements of Work or Evaluation Criteria.

7. Participate in the evaluation or recommendation of a solicitation process if a vendor would be perceived as having an unfair competitive advantage because of activities or relationships with a member of the evaluation team or decision maker.

Any employee found in violation of the provisions of this section will be subject to the procedures outlined in Section VI. No transaction, to include, but not limited to, sales, purchases, or transfers of real or personal property, will be made for or from an employee or Elected Official or their immediate families, nor will orders be given to any firm in which the employee holds a responsible position or significant financial interest, without the approval of the BOCC. In requesting approval for a transaction of this nature, the requestor should discuss the nature of the relationship involved, along with describing the transaction and related dollar amounts. Under Financial Accounting Standards Board Statement No. 57, *Related Party Disclosures*, transactions of this nature may need to be disclosed in the county's Comprehensive Annual Financial Report.

#### **D. Cooperative Purchasing**

Purchasing may participate in joint bidding with other public agencies or use existing contracts or bids awarded with cooperative language or through any nationally recognized cooperative, such as the State of Colorado, US Communities or GSA (when applicable), and other Colorado local governments so long as it is deemed in the best interest of Boulder County and the procurement process is deemed sufficiently competitive by Purchasing and the County Attorney's Office.

#### **E. Lease Purchasing**

1. A lease purchase, if approved by the BOCC, may be used to provide equipment such as heavy road equipment, telephone systems, or computer equipment or office equipment.
2. The item(s) being purchased must be procured in a competitive manner and in accordance with the guidelines for formal bidding, informal bidding, or cooperative purchasing.
3. A letter of intent to lease the item will be obtained from the lessor. All lease purchases will be formalized by written agreement, which will provide that the lease purchase is subject to annual appropriation.
4. All lease purchases will comply with the provisions of C.R.S. 29-1-103 and 104, and C.R.S. 30-11-104, as amended.
5. When the cost of any lease is expected to exceed \$50,000, the lease must be negotiated through a competitive manner in accordance with formal bidding guidelines; except in the event of a declared emergency/disaster, at such time the limit will be modified to \$150,000 before requiring this type of negotiated bidding. This exception is subject to BOCC timelines and discretion.

6. The BOCC has delegated to the County Administrator authorization to enter into lease purchasing agreements and to buy, sell, or lease real estate, consistent with the provisions of C.R.S. 29-1-103 and 104, and C.R.S. 30-11-104, as amended, for amounts up to \$300,000, and may make further delegations or authorizations in the event of a declared emergency/disaster.

#### **F. Minimum Insurance Requirements**

Minimum insurance requirements must be met by vendors contracting with Boulder County.

The minimum insurance requirements can be obtained from Risk management.

#### **G. Environmentally Preferable**

The county requires the procurement of specific supply items as outlined in the procedure manual and encourages the procurement and use of all other environmentally preferable products. "Environmentally preferable" means products that have a lesser or reduced adverse effect on human health and the environment when compared with competing products that serve the same purpose.

Product comparisons should consider life cycle factors such as: The availability of any raw materials used in the product being purchased and the availability, use, production, safe operation, maintenance, packaging, distribution, disposal, or recyclability of the product being purchased. Examples include the following: A material or product which is durable, repairable, reusable, or recyclable; has minimum packaging, toxic content or chemical hazard potential; is resource or energy efficient in any or all phases of its manufacture, use and disposal; or, in its use or disposal, minimizes or eliminates the county's potential environmental liability. Purchasing will strive to procure such products that are suitable for use, where availability, quality and budget constraints allow.

Boulder County promotes the purchase/leasing of energy efficient, materials efficient, and reduced toxic level products where availability, quality and budget constraints allow. Whenever possible, electronic equipment, such as appliances, computers, water coolers, etc., should meet ENERGY STAR specifications for energy efficiency with power management features enabled.

Whenever possible, products and equipment should be specified to include post-consumer recycled content materials. Products should be packaged and delivered with a minimum amount of recycled packaging that adequately protects the product but is not excessive.

#### **H. Bids/RFPs/Quotes**

Purchases under \$10,000: Purchases within this range may be made without written quotes; except as otherwise specified. However, offices/departments are expected to obtain materials/services at competitive prices.

Written quotes are required when the cumulative costs of a service or item(s) exceeds \$10,000.

Purchases of \$50,000 or above must be conducted through a formal bid or RFP process through county Purchasing and under direction of the purchasing staff as outlined in this section or through a waiver or exemption as defined in these procedures and must be documented on a requisition for purchase order. All county EO/DH shall specify environmentally preferable supplies, services, or construction whenever cost effective and to the extent practical.

Bids/RFP's/Quotes and Bid Waivers under \$50,000 can be approved by EO/DH.

Bids/RFP's and Bid Waivers \$50,000 to \$299,999 can be approved by the County Administrator.

Bids/RFP's and Bid Waivers over \$300,000 must be approved by the BOCC.

Departments and offices may set lower thresholds than those stated above where necessary, such as to meet federal or state grant requirements.

Purchases of software have different requirements due to the need to maintain proof of licensing.

#### **I. Bid/RFP/Quotes Conflicts of Interest**

Individuals may not participate as a member of an evaluation or selection committee if the member or a relative, or step- relative, of said member, has a personal interest in any company that may submit a proposal or if it could be perceived that the member can offer an unfair advantage to one company over another. Should a conflict of interest which meets these criteria be identified during an evaluation, the Purchasing Agent shall be notified immediately, and the member shall step down from the committee. A relative is defined as a spouse, partner in a civil union or domestic partnership, parent, child, grandparent, grandchild, sibling, cousin, aunt, uncle, niece and nephew of the employee or of the employee's spouse or partner in a civil union or domestic partnership.

- J.** Boulder County, in the selection of procurement contractors, may not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.

## **SECTION 9 PROCUREMENT AND PROCESSING - CONTRACTS**

### **NUMBER 9.3 Contract Policy and Procedure**

It is the policy of the BOCC to retain the power to contractually bind Boulder County for contracts \$300,000 or over. Exceptions to this limit will be made in the event that life, safety, or health are at risk and the BOCC has declared an Emergency or Disaster.

All agreements for services, whether informally or formally bid, shall require a written contract, subject to the provisions of the purchasing section of this manual. Services are defined as the provision of time, effort or expertise, rather than goods (tangible products).

#### **A. Authorization Requirements**

1. For all contracts other than County insurance and benefits plans, tax abatements and refunds, real estate and property purchases, conservation easements and amendments, and grant applications.
  - i. Contracts under \$50,000 may be signed by EO/DH, County Administrator, or the BOCC:
  - ii. Contracts \$50,000 to \$299,999 may be signed by the County Administrator or the BOCC
  - iii. Contracts over \$300,000 must be signed by the BOCC.
2. For County insurance and benefits plans, tax abatements and refunds, real estate and property purchases, and conservation easements and amendments:
  - i. Up to \$100,000 may be signed by the County Administrator or the BOCC
  - ii. Over \$100,000 must be signed by the BOCC.
3. All grant applications and budget amendments related to grant funds must be signed by the BOCC.

B. Agreements to procure goods shall also be documented in writing pursuant to the purchasing section of this manual.

C. Certain contracts for services and subscriptions may require online registration or purchase. In those cases, it is not practicable or feasible to route these contracts through the county's standard procedures. In these cases, personnel must still follow county purchasing guidelines and policies when entering into such agreements. Applicable terms and conditions must be reviewed prior to entering into these contracts to ensure they do not conflict with county contracting requirements. If there are concerns about any terms or conditions, the EO/DH or designee should review those concerns with the County Attorney's Office, Purchasing Manager and/or the Risk Manager.

D. Contracts shall be defined as any agreement for goods or services, regardless of the amount including, but not limited to, purchase orders (PO), leases, memoranda of understanding(MOU), intergovernmental agreements (IGA), or change orders.



E. The guidelines and thresholds that are described in this policy and the purchasing section govern general county procurements. Purchases made with grant funds or procurements that require reimbursement from Federal or State agencies must follow the stipulations put forth by those entities, which may include compliance with the Code of Federal Regulations.

F. The BOCC has delegated the power to contractually bind the county to the County Administrator, Elected Officials, or their designees, as specified here if the contract:

1. Is (aggregate) under \$300,000 or a higher designated amount in the event that the BOCC has declared an Emergency or Disaster and the BOCC has authorized different approval delegations
2. Contains a provision regarding appropriation of funds
3. Does not involve extraordinary liability potential or ultra-hazardous activities
4. Does not assume liability for another office/department or agree to indemnify another party.
5. Has been routed and reviewed through the County Attorney's Office, Risk Management and Purchasing.
6. Has been reviewed by HR if the contracting party is a current employee or a PERA retiree conducting business with the county as an independent contractor whether in an individual capacity or through an affiliated party and is, either working directly as an individual or indirectly as an agent, owner or employee of the contracting agency, if a party to the contract. See Colorado PERA publication "Working after Retirement" located on PERA's website.

When an EO/DH or the County Administrator contractually bind Boulder County, the EO/DH or County Administrator is responsible for seeing that all commitments assumed by Boulder County are met.

G. In order to promote fair and open competition and to obtain the best value for the county, all pre-qualified contractors who hold a continuing services contract with the county shall be given the opportunity to informally quote and complete against each other for work in the amount of \$10,000 or more as it arises. Offices and departments shall select a minimum of three (3) pre-qualified contractors per area of expertise unless waived by their EO/DH and Purchasing. For work under \$10,000 pursuant to a continuing services contract, the department can choose any pre-qualified contractor without the necessity of informal bids. Notwithstanding this, offices and departments are expected to obtain materials/services at competitive prices.

Following the award and/or the execution of an agreement, it shall be the responsibility of the appropriate office/department to administer the contract and manage the performance of the contractor, and to ensure that such performance is in compliance with the applicable bid/RFP/contract documents, including the collection of all applicable performance and payment bonds or other acceptable surety, insurance, payment withholding and notice of final settlement requests prior to final payment.

H. The County will not directly or through contractual or other arrangements, utilize criteria or methods of administration:

1. That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability;
2. That have the purpose or effect of defeating or substantially impairing accomplishment of the objectives of Boulder County's program with respect to individuals with disabilities; or
3. That perpetuate the discrimination of another public entity if both Boulder County and the other entity are subject to common administrative control or both are agents of the State of Colorado.

## **SECTION 9 PROCUREMENT AND PROCESSING - CONTRACTS**

### **NUMBER 9.5 Language Translation Policy**

Translation of any materials to be distributed to the public must follow the Boulder County guidelines for translation to ensure that all residents have access to program and service information that is linguistically and culturally appropriate.

A. All Boulder County office/department materials (including web pages) available to fifty (50) or more members of the public for more than one week, in a language other than English must:

1. Be reviewed by a county employee for accuracy and grammar prior to translation.
2. Be translated by a qualified translator. This is defined as someone who:
3. Has near-native fluency in the source language; and
4. Has excellent writing skills with a grammatical mastery of the target language; and
5. Has awareness of cultural differences and linguistic nuances; and
6. Has knowledge/familiarity of industry terminology.
7. Three (3) or more years of professional translation experience and professional translation accreditation and/or affiliation is preferred.
8. Use accepted common terms as outlined in the Boulder County Translation Glossary.
9. Minimal changes to a document previously translated by a qualified professional translator do not need to be translated by a qualified professional translator. Minimal is defined as:
10. Change to contact information.
11. Change to event date, times, location etc.
12. Change of a few words in a short document, or a few sentences in large document.
13. Boulder County office/department may use any provider on the Boulder County vendor list of qualified translation services/providers or another

provider that meets the criteria listed above.

B. In the event of an emergency, when a translation cannot be completed by a qualified translator within the required time, another native speaker of the target language may provide temporary translation provided:

1. The temporary translator follows guidelines A1 and A3 as listed above;  
and
2. The translation is reviewed by at least one (1) additional native speaker;  
and
3. The translation is reviewed by a qualified translator when time permits, if the material is to be available to the public for more than one (1) week or to more than fifty (50) people.