

RULE 15 CODE OF CONDUCT

Section 15-5 Employee Conduct (6/5/80, 121A)

Every employee in the Career Service shall conscientiously fulfill the duties and responsibilities of his or her position. The conduct of every employee during work hours or at any time while representing the agency, department, or City shall reflect credit on Career Service and the City and County of Denver (City).

Section 15-10 Definition (Revised effective June 12, 2006; Rules Revision Memo 10C)

Conviction: The adjudication of a criminal charge through:

- A. A guilty plea;
- B. The acceptance of a plea bargain;
- C. A finding of guilty by a judge or jury;
- D. A plea of nolo contendere (no contest);
- E. The acceptance of a deferred sentence or deferred judgment; or
- F. A plea where a defendant enters a guilty plea without actually admitting guilt (Alford plea).

Section 15-15 Employee Responsibility to Report Charges or Convictions (Revised effective June 12, 2006; Rules Revision Memo 10C)

- A. Offenses that must be reported:
 - 1. All employees who are charged with or convicted of any felony or misdemeanor, as well as any other offense which involves violence against persons, destruction of property, dishonesty, theft, or the sale or possession of illegal drugs, must report such charges or convictions to their appointing authority.
 - 2. In addition to the requirement set forth in subsection 1, any employee who operates a motor vehicle as part of their job assignment must report any citation for traffic violations, whether received on or off the job (this does not apply to parking violations).
 - 3. Additional reporting requirements may be established by a department or agency consistent with business necessity. Such additional requirements must first be approved by the Career Service Authority ("CSA"), and approved for legality by the City Attorney's Office.

B. Reporting procedure:

1. The department or agency must post or provide to all employees the name and telephone number of the department or agency designee(s) to whom employees must report charges and convictions as required by this section. If the department or agency does not appoint a designee, employees shall report charges and convictions to the appointing authority.
2. The employee or the employee's representative must report charges and convictions as required by this section as soon as possible, but no later than three (3) calendar days after the occurrence.

C. Record-keeping;

Records of charges or convictions resulting from an employee's reporting shall not be included in the employee's personnel file unless and until disciplinary action has been taken pursuant to Rules 16-60 P. and 16-61.

D. Disciplinary action

Failure to report as required under this section may lead to disciplinary action, up to and including dismissal from employment.

Section 15-20 Ethics

All employees shall comply with the following:

- A. The Denver Code of Ethics, D.R.M.C. § 2-51 et seq, as currently codified and any subsequent amendments thereto;
- B. Any provisions in the Denver Charter regarding ethical conduct of employees; and,
- C. Any stricter Code of Ethics promulgated by an employee's Department or Agency as authorized by D.R.M.C. § 2-51.

A violation of the Denver Code of Ethics, Denver Charter provisions regarding ethical conduct of employees, or any stricter departmental or agency code of ethics shall be grounds for discipline up to and including dismissal from employment.

Section 15-21 Retaliation Prohibited

- A. Except as provided in subsection (B) of this section, no Appointing Authority or supervisor shall initiate or administer any disciplinary or adverse employment action against an employee on account of the employee filing an inquiry or other complaint with the Denver Board of Ethics, testifying before the Denver Board of Ethics, or otherwise participating in any proceeding or investigation of the Denver Board of Ethics.

- B. Subsection (A) shall not apply to:
1. An employee who files an inquiry or complaint knowing that the underlying information of the inquiry or complaint is false;
 2. An employee who files an inquiry or complaint without regard to the truth or falsity of the allegations; or,
 3. An employee who has intentionally lied as a witness in any investigation, hearing, or other proceeding of the Denver Board of Ethics.

Section 15-24 Solicitation and Distribution

Employees may not solicit or distribute any non-job-related material of any kind during working time on City property except for designated City programs.

Section 15-30 Political Activities
(6/5/80, 121A)

15-31 Policy

Employees are prohibited from engaging in political activities during working hours. Accordingly, the following practices are prohibited on City premises during work hours:

- A. soliciting monetary political contributions from any officer or employee;
- B. soliciting any contribution of services or resources for political purposes from any officer or employee;
- C. taking any personnel action or making any promise or threat of action with regard to any employee because of the giving or the withholding of a political contribution or service;
- D. engaging in solicitation or politically motivated behavior that is harassing or discriminatory; or
- E. using employer resources for political purposes.

Accordingly, employees are not permitted to spend work time involved in campaign activities. Employees also are prohibited from using City facilities.

and/or resources in connection with campaign or other political activities. City resources include, but are not limited to, telephones, e-mail, fax machines, interoffice mail, voice mail, photocopiers and office supplies.

Section 15-40 Private Practice of Attorneys
(10/20/83, 50B)

15-41 Policy

Private law practice by attorneys of the Department of Law is prohibited, except as herein provided. Attorneys of the Department of Law shall not accept a forwarding fee or a referral fee.

15-42 Scope

These provisions apply to all attorneys of the Department of Law, except special counsel retained pursuant to Section A10.5 of the Charter of the City and County of Denver.

15-43 Pro Bono and Family Practice Exception

Attorneys of the Department of Law may handle legal matters involving pro bono activities or legal matters involving the attorney personally or his or her parents, spouse, child, brother, sister, grandchild, or grandparent subject to all of the following conditions:

- A. the attorney receives no compensation for work performed;
- B. the attorney has submitted a written request stating the reasons for this exception to the City Attorney and has received written approval from the City Attorney;
- C. any pro bono work shall be done during off-duty hours, while on vacation leave, or while on leave of absence without pay.

Section 15-50 Outside Employment
(3/22/84, 60B)

15-51 Policy

Any employee desiring to take outside employment or engage in other business activities must submit a written request to his or her appointing authority before the outside employment or business activities commence. The appointing authority will not approve outside employment that compromises an employee's ability to perform effectively or to accept overtime or travel assignments. Outside employment or business activities shall not be incompatible with an employee's duties, nor shall the outside employment or business activities create an actual or apparent conflict of interest.

Violation of the outside employment policy can lead to corrective action, up to and including dismissal.

Section 15-60 Alcohol Policy

The Career Service Board has a special concern about the use and abuse of alcohol because alcohol can affect an employee's productivity and efficiency; jeopardize the safety of the employee, co-workers, and the public; and harm the reputation of the City and its employees. Employees are subject to pre-employment, post accident and/or random drug and alcohol testing if there is reasonable suspicion that the employee is in violation of this rule. Accordingly, the Career Service Board strictly enforces the following rules:

- A. The consumption, possession or storage of alcoholic beverages on City property, except for officially sanctioned functions when the employee is not on duty, is prohibited. When an employee is involved in a workplace accident or where there is reasonable suspicion that an employee is intoxicated while on the job, the employing agency shall require the employee to submit to an alcohol and drug test.
- B. The serving of alcohol at City functions must be approved in advance, in writing, by the appropriate appointing authority or designee. The appointing authority is responsible for seeing that events comply with state and local alcohol regulations and are planned with the safety of employees and the public in mind.
- C. Off-the-job use of alcohol that adversely affects an employee's job performance or the City, or jeopardizes the safety or property of employees is prohibited. Employees are also prohibited from reporting to work under the influence of alcohol.
- D. Employees who drive a motor vehicle as a part of their work can be removed from their position if they are found to have been driving under the influence of alcohol, whether on duty or off duty. The supervisor may initiate a post accident drug and alcohol screening. Employees with a CDL license are subject to random drug and alcohol testing.
- E. The City provides an employee assistance program for any employee who wants to seek confidential counseling.
- F. A supervisor who has reasonable suspicion that an employee is in violation of this policy may initiate drug and alcohol testing.
- G. Violations of this policy can lead to corrective action, up to and including dismissal.

Section 15-70 Drug-Free Workplace Policy

The Career Service Board has a special concern about the use and abuse of illegal drugs (controlled substances) because illegal drugs can affect an employee's productivity and efficiency; jeopardize the safety of the employee, co-workers, and the public; and harm the reputation of the City and its employees. Employees are subject to pre-employment, post accident and/or random drug and alcohol testing if there is reasonable suspicion that the employee is in violation of this rule. Accordingly, the Career Service Board strictly enforces the following rules:

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- A. The manufacture, distribution, dispensation, possession, sale, or use of a controlled substance is strictly prohibited in all City facilities, on all City property, in any City-owned vehicle, and at any City-sponsored event. When an employee is involved in a workplace accident, or where there is reasonable suspicion that an employee is under the influence of a controlled substance or illegal drug while on the job, the employing agency can require the employee to submit to a drug test.
- B. Career Service Authority presents a drug-free awareness education program for all employees at all levels on a periodic basis.
- C. Off the job use of controlled substances that adversely affects an employee's job performance or the City, or jeopardizes the safety or property of employees, is prohibited. Employees are prohibited from reporting to work under the influence of illegal drugs or controlled substances.
- D. Employees who drive a motor vehicle as a part of their work can be removed from their position if they are found to have been driving under the influence of illegal drugs, whether on duty or off duty. Employees on legally prescribed or over the counter medications that could impair their ability to drive shall notify their immediate supervisor who will take appropriate steps to ensure that there are no risks to the employee or other. The supervisor may initiate a post accident drug and alcohol screening. Employees with a CDL license are subject to random drug and alcohol testing.
- E. The City provides an employee assistance program for any employee who wants to seek confidential counseling.
- A. A supervisor who has reasonable suspicion that an employee is in violation of this policy may initiate drug and alcohol testing.
- G. Violations of this policy can lead to corrective action, up to and including dismissal.

Section 15-80 Electronic Communications Policy

15-81 Policy

To better serve our customers and give our talented workforce the best tools to perform their jobs, the City continues to adopt and make use of new means of communication and information exchange. Employees who have access to one or more forms of electronic media and services, including but not limited to computers, e-mail, telephones, voice mail, fax machines, external electronic bulletin boards, wire services, on-line services, and the internet should use these services for official business.

The City encourages the use of these media and associated services because they can make communication more efficient and effective, and because they are valuable sources of information about customers, technology, and new products and services. However, all employees should remember that electronic media and services provided by the City are City property and their purpose is to facilitate and support City business.

15-82 Prohibited Communications

Electronic media shall not be used for knowingly transmitting, retrieving, or storing any communication that is:

- A. discriminatory or harassing;
- B. derogatory to any individual or group;
- C. obscene;
- D. defamatory or threatening; or
- E. engaged in for any purpose that is illegal or contrary to the City's policies or business interests.

15-83 Personal Use

The City provides electronic media and services primarily for employees' business use. Limited, occasional or incidental use of electronic media for personal, non-business purposes is understandable as long as it is of a reasonable duration and frequency, does not interfere with the employee's performance of job duties, and is not in support of a personal business. Employees are expected to demonstrate a sense of responsibility and not abuse this privilege. Abuse of this privilege may result in corrective action, up to and including dismissal.

15-84 Access to Employee Electronic Communications

Employees cannot have an expectation of privacy with respect to messages or files sent, received, or stored on the City's electronic communication systems, including Internet activity. Any information gathered or communicated using the City's electronic communication systems can be accessed, monitored, and read by authorized employees.

Section 15-90 Employee Organization and Representation

15-91 Membership

A Career Service employee shall have the right to join or refrain from joining any organization of employees. No discrimination shall be exercised against an employee or applicant because such person belongs, or does not belong, to a union or other employee organization.

15-92 Supervisory Employees

Employees in supervisory positions shall not attempt to coerce any employee to join or refrain from joining a union or other employee organization, shall not make any effort to obtain members for a union or any employee association, and shall not accept gratuities, prizes, or other valuable items for influencing any employee to join or refrain from joining a union or employee organization.

15-93 Representation

The representative of an employee, including officers and business agents of unions or other associations to which an employee belongs, shall be given the same rights to speak on behalf of the employee during any type of meeting with the employee's supervisor or manager as would be given the employee.

15-94 Counseling Employees During Working Hours

A representative of an employee organization may visit an employee during working hours if the representative obtains the permission of the employee's immediate supervisor and such visitation does not interfere with the work of the agency.

15-95 Designation of Representative

- A. Employees shall identify, in writing, agents to represent them in presenting a grievance or appeal.
- B. No employee may be compelled to act as the representative of another employee.

15-96 Representing Employees During Working Hours

If the representative is also a City employee, he or she shall be allowed to take up to a maximum of two (2) hours of approved administrative leave per week and use any accrued vacation leave or compensatory time, or to take leave without pay to represent employees. Such leave shall not adversely impact the agency or department and must be approved in advance.

Section 15-100 Harassment and/or Discrimination

15-101 Policy

It is the policy of the Career Service Board that all employees have a right to work in an environment free of discrimination and unlawful harassment. The City maintains a strict policy prohibiting discrimination, sexual harassment and harassment because of race, national origin, sexual orientation, physical or mental disability, age, gender, marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation. All such harassment or discrimination is unlawful. The Career Service Board's anti-harassment policy applies to all persons involved in the operation of the City and prohibits unlawful harassment or discrimination by any employee of the City, including supervisors and co-workers. Unlawful harassment in any form, including verbal, physical, and visual conduct, threats, demands, and retaliation is prohibited.

15-102 Types of Harassment

Unlawful harassment because of race, national origin, sexual orientation, physical or mental disability, age, gender, marital status, military status, religion, political affiliation, or any other basis protected by federal, state, or local law or regulation,

includes but is not limited to:

- A. verbal conduct such as epithets, derogatory comments, slurs, unwanted sexual advances, invitations, or comments;
- B. visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- C. physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work directed at an employee because of the employee's sex or race or any other protected basis;
- D. threats or demands to submit to sexual requests in order to keep a job or avoid some other loss, and offers of job benefits in return for sexual favors; and
- E. retaliation for having reported or threatened to report harassment.

15-103 Action of Individual Experiencing Unlawful Harassment

Individuals who experience unlawful harassment are urged to:

- A. make it clear that such behavior is offensive to them and request that such behavior be discontinued; and
- B. report such conduct to their supervisor so that the agency may investigate and resolve the problem. If the complaint involves an employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his or her immediate supervisor, the employee may go to another supervisor, to his or her agency human resource representative or directly to the Career Service Authority Employee Relations Section.

15-104 Investigation

The agency or Career Service Authority will immediately undertake effective, thorough, and objective steps concerning the allegation of harassment or discrimination. If an investigation is deemed necessary, it will be completed and a determination regarding alleged harassment will be made and communicated to the employee as soon as practicable. Agency staff conducting harassment or any other type of workplace investigation will be required to complete a training program on investigation techniques as developed by the Career Service Authority Training Section.

15-105 Action

If it is determined that unlawful harassment or discrimination has occurred, the agency will take effective remedial action commensurate with the severity of the offense. Appropriate action will be taken to deter any future harassment.

15-106 Retaliation Prohibited

Retaliation against employees for reporting unlawful harassment or discrimination or assisting the City in the investigation of any complaint is against the law and will not be permitted. Retaliation can include, but is not limited to, such acts as refusing to recommend an employee for a benefit for which he or she qualifies, spreading rumors about the employee, encouraging hostility from co-workers and escalating the harassment. Any employee engaging in retaliation may be subject to corrective action, up to and including dismissal.

Section 15-110 Preventing Violence in the Workplace

Violence, or the threat of violence, will not be tolerated in any City work locations. Any violence or the threat of violence will subject the employee to serious corrective action, up to and including dismissal and possible criminal charges.

The following, though not inclusive, will not be tolerated:

- A. Intimidating, threatening or hostile behaviors, physical assault, vandalism, arson, sabotage, unauthorized use of weapons, bringing unauthorized weapons onto City property or other acts of this type clearly inappropriate to the workplace.
- B. Jokes or comments regarding violent acts which are reasonably perceived to be a threat of imminent harm.
- C. Encouraging others to engage in violent behaviors.

15-111 Reporting

- A. In an emergency situation, call 9- 911 or 911. Next, immediately contact the building security, division/department/office manager involved, and agency human resource and safety officers.
- B. In a non-emergency situation, if the employee feels that he or she has been subjected to any type of violence or threat of violence, or has observed or has knowledge of any violation of this rule, the employee shall immediately report the incident to his or her supervisor, the agency human resource representative or safety officer, or to the Career Service Authority Employee Relations Section.

15-112 Management Responsibility

Management shall investigate any and all complaints and/or incidents of workplace violence and take appropriate actions.

Section 15-120 Open Door Policy

The Career Service Board supports an open door policy. If an employee has a problem or concern that arises in the scope or course of his or her employment, the employee should discuss the concern with his or her immediate supervisor, manager, appointing authority, human

resource representative, or a member of the Career Service Authority Employee Relations Section. The City will not tolerate retaliation of any kind against any employee who utilizes the open door policy in good faith.

Section 15-130 Reporting Violations

Any alleged violation of this rule should be reported to the appropriate supervisor, manager, agency human resource representative, appointing authority, or the Career Service Authority Employee Relations Section.

Any alleged ethics violation covered under this rule should be reported to the appropriate supervisor, manager, appointing authority, human resource representative, or the Career Service Authority Employee Relations Section. The employee may also contact the Board of Ethics.