

NEW CAREER SERVICE RULE 15-15

REGARDING SELF REPORTING OF CHARGES AND CONVICTIONS OF CRIME

PLEASE READ AS SOON AS POSSIBLE

TO: Appointing Authorities, Managers, and Employees

FROM: Don Cordova
CSA Director

DATE: June 12, 2006

SUBJECT: Addition of Career Service Rule 15-15 Employee Responsibility to Report Charges or Convictions

The Career Service Board has approved the addition of Career Service Rule 15-15 regarding employee responsibility to report charges or convictions of crime. **THIS NEW RULE GOES INTO EFFECT ON JUNE 12, 2006.** Please provide a copy of this rule to employees who do not have access to a City e-mail account.

The new Rule 15-15 establishes the following procedure for employee reporting of charges and convictions of crime :

- Employees must report charges or convictions of felonies, misdemeanors, and of other crimes involving violence, property destruction, dishonesty, theft, or the sale or possession of illegal drugs.
- Employees who operate motor vehicles as part of their job assignment must report traffic violations.
- Agencies can establish additional reporting requirements consistent with business necessity, after CSA and City Attorney approval.
- Employees must report charges and convictions to their appointing authority or a designee within three days of the occurrence.
- Records of the charges or convictions are to be kept separate from the employee's personnel file until disciplinary action is taken.
- Failure to report as required may lead to disciplinary action.

MEMORANDUM

REVISION 10, SERIES C

TO: Holders of CSA Rule Books

FROM: Career Service Board

DATE: June 12, 2006

SUBJECT: Addition of Career Service Rule 15-15 Employee Responsibility to Report Charges or Convictions and changes to related rules

The Career Service Board has added Career Service Rule 15-15 Employee Responsibility to Report Charges or Convictions and changed related rules. The effective date of this revision is June 12, 2006.

	<u>Page Number</u>	<u>Issuance Dates</u>
Remove	15-1 and 15-2 16-5	May 30, 2003 February 28, 2006
Replace	15-1, 15-2 and 15-2.1 16-5	June 12, 2006

PLEASE INSERT IN YOUR RULE BOOK AS SOON AS POSSIBLE. THANK YOU.

**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.

- N. Intimidation or retaliation against an individual who has been identified as a witness, party, or representative of any party to any hearing or investigation relating to any disciplinary procedure, or any violation of a city, state, or federal rule, regulation or law, or against an employee who has used the dispute resolution process in good faith.
- O. Failure to maintain satisfactory working relationships with co-workers, other City employees, or the public.
- P. Conviction of or being charged with a crime. Prior to imposing discipline under this subsection, the department or agency shall follow the guidelines contained in subsection 16-61.
- Q. Failure to report charges or convictions of crimes as required by Rule 15 CODE OF CONDUCT. (Revised effective June 12, 2006; Rules Revision Memo 10C)
- R. Discrimination or harassment of any employee or officer of the City because of race, color, religion, national origin, sex, age, political affiliation, sexual orientation or disability. This includes making derogatory statements based on race, color, religion, national origin, sex, age, political affiliation, sexual orientation or disability. Discipline for this prohibited conduct does not have to rise to the level of a violation of any relevant state or federal law before an employee may be disciplined and the imposition of such discipline does not constitute an admission that the City violated any law.
- S. Unauthorized absence from work; or abuse of sick leave or other types of leave; or violation of any rules relating to any forms of leave defined in Rule 11 LEAVE.
- T. Reporting to work after the scheduled start time of the shift.
- U. Unauthorized performance of work by non-exempt employees outside of the established work schedule.
- V. Failure to use safety devices or failure to observe safety regulations which: results in injury to self or others; jeopardizes the safety of self or others; or results in damage or destruction of City property.
- W. Engaging in a strike, sabotage, or work slowdown.
- X. Divulging confidential or otherwise sensitive information to unauthorized individuals.
- Y. Conduct which violates the Rules, the City Charter, the Denver Revised Municipal Code, Executive orders, or any other applicable legal authority.
- Z. Conduct prejudicial to the good order and effectiveness of the department or agency, or conduct that brings disrepute on or compromises the integrity of the City.