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CITY OF BOULDER

POLICIES AND PROCEDURES

Non-Discrimination and Anti-Harassment Policy

Effective Date: 6/1/2000
Last Revised: 10/15/2014


Jane S. Brautigam, City Manager

I. POLICY

It is the policy of the City of Boulder to prohibit unlawful employment discrimination and harassment, as provided by Title VII of the Civil Rights Act of 1964 and other applicable federal, state and local law, against City of Boulder employees or applicants for employment at the City of Boulder.

When required by applicable federal, state or local law, the city will make reasonable accommodation for disabilities, and religious beliefs, observances and practices of applicants and employees.

II. SCOPE

This policy governs conduct by all city employees. Note: Also, see the appropriate collective bargaining agreement for any additional information that pertains to collective bargaining group employees.

III. PROHIBITED CONDUCT AND DEFINITIONS

The city prohibits discrimination, harassment and retaliation as defined in this policy.

A. Discrimination

An employment practice that unlawfully discriminates against City of Boulder employees or applicants for employment at the City of Boulder on the basis of race, color, national origin, creed, ancestry, religion, disability, pregnancy, age (40 and over), military status, marital status, genetic information, genetic characteristics, sex or gender, gender variance, sexual orientation, or on the basis of any other status protected by applicable federal, state and local law.

B. Harassment

Harassment can be a form of discrimination. Unlawful harassment includes conduct (physical, verbal or otherwise) by any employee or non-employee that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Prohibited conduct may include, but is not limited to, the following:

- Verbal conduct such as epithets, derogatory comments, slurs, or jokes;
- Physical conduct such as unwelcome touching, assault, or blocking an individual's movements; or
- Written or visual forms such as cartoons, e-mails, posters, drawings, photographs, notes, letters, e-mails.

C. Sexual Harassment

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

The city prohibits sexual harassment. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other conduct (physical, verbal or otherwise) of a sexual nature, when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- 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.

Sexual harassment may include, but is not limited to, sexually implicit or explicit communications whether in:

- 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;
- Physical gestures and other nonverbal behavior, such as unwelcome touching, grabbing, fondling, kissing, massaging, and brushing up against another's body; or
- Written or visual forms, such as cartoons, e-mails, posters, drawings, photographs, notes, letters, e-mails.

D. Retaliation

The city prohibits retaliation against an employee for filing a complaint under this policy or for assisting in a complaint or investigation under this policy.

IV. SUPERVISORY RESPONSIBILITY FOR THE WORK ENVIRONMENT

Supervisors and managers are responsible for monitoring and keeping their work environments

free from prohibited conduct. They shall model appropriate conduct, promptly address any questionable conduct, appropriately receive and respond to complaints, prevent retaliation and ensure their employees participate in regular training and affirmative discussion of this policy. In addition, supervisors and managers must promptly contact a Human Resources Department (HR) liaison or the HR Director when they become aware of a complaint under this policy or of conduct that may violate this policy

A supervisor or manager who receives a report or complaint of possible violation of this policy shall not promise strict confidentiality and must promptly seek guidance from the HR Department.

V. EMPLOYEE RESPONSIBILITY

The city expects all employees to conduct themselves in a professional and businesslike manner. This policy does not intend to regulate or control any non-work relationship or social interaction, freely entered into by all parties. However, employees must ensure that their conduct at work is consistent with a work environment where the city does not tolerate discrimination or harassment. Note: Also, see the Nepotism Policy for more information regarding relationships among employees. Employees are responsible for attending any required non-discrimination and anti-harassment trainings.

VI. COMPLAINT PROCEDURE

The city encourages employees to make it clear they are not interested in conduct that may violate this policy when they encounter such conduct. If appropriate, and the individual feels comfortable doing so, an individual should inform the offending party what specific conduct is offensive or unwelcome and request that it cease immediately. If the individual does not believe it is appropriate to speak directly to the offending party, or does not feel comfortable in doing so, the individual should promptly follow the Complaint Procedure.

The city encourages any employee who believes there has been a violation of this policy to use the following complaint procedure. The city expects to receive timely complaints, to allow prompt investigation and correction of any conduct that may violate this policy. The city may compel employees to cooperate with its investigations.

A. Reporting Conduct

Report the conduct to your supervisor or manager, the alleged offending party's supervisor or manager, or the HR liaison assigned to your department, and the city will investigate and take appropriate corrective action. The city will protect the confidentiality of your complaint to the extent possible. If you prefer not to go to any of these individuals with your complaint, you should report the incident to the HR Director or the Risk Manager.

B. Reporting Retaliation

The city prohibits retaliation against an employee for filing a complaint or participating in an investigation under this policy. If you perceive retaliation, please contact any one of the officials listed above, and the city will investigate and take appropriate corrective action.

C. Notification of Findings

As soon as practicable after conclusion of the investigation, the HR Director, or designee, will meet with complainant and the respondent separately, to summarize the findings and any corrective action.

VII. CORRECTIVE ACTION

If the city determines that an employee's conduct violates this policy, immediate and appropriate corrective action will be taken, up to and including termination of employment.

If an investigation shows that an employee knowingly supplied false information in an investigation under this policy, that individual may be subject to disciplinary action, up to and including termination of employment.

VIII. INTERPRETATION AND APPLICATION

Employees with questions concerning the interpretation or application of this policy should contact the Human Resources Department.

IX. OTHER POLICIES/EXCEPTIONS/CHANGE

This policy supersedes all prior editions of this policy and conflicting provisions of other policies covering the same or similar topics. Only the City Manager or the Manager's designee may grant any exception to this policy. The City Manager or designee may review and change this policy at any time. This document does not create an employment contract.

CITY OF BOULDER

POLICIES AND PROCEDURES

Smoke-Free and Tobacco-Free Work Environment Policy

Effective Date: 10/14/2014
Last Revised:


Jane S. Brautigam, City Manager

I. POLICY

The City of Boulder maintains a smoke-free and tobacco-free work environment.

II. PURPOSE

This policy's purpose is to protect the health and safety of employees and the public, to protect the condition of city property, and to ensure that employees model the community's health values by being respectful of the perception associated with on-the-job smoking or use of tobacco products and inconsiderate or offensive disposal of those products. In addition, the city supports the health and wellness of employees by encouraging them to participate in smoking cessation programs. (See Attachment A for more information regarding smoking cessation programs and resources.)

III. SCOPE

This policy covers all City of Boulder employees.

IV. DEFINITIONS

The following are definitions for the purpose of this policy. These definitions may differ from definitions found elsewhere.

City Property — Includes all city premises, such as any city-owned or city-maintained land, city-owned or leased buildings, and city-owned or leased vehicles and equipment. This does not include streets, alleys, sidewalks or parking lots.

E-cigarette — A device containing a liquid-based substance that is vaporized and inhaled, used to simulate the experience of smoking tobacco.

Smoking — The inhalation and exhalation of the smoke of burning tobacco or a drug encased in cigarettes, pipes or cigars.

Smokeless Tobacco — Any tobacco product that requires chewing or expectorating any extract or portion of the product.

Tobacco Product — Any product made or derived from tobacco that is intended for human consumption, including any component, part or accessory of a tobacco product, which includes, among other products, cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco.

Working Hours — An employee's paid time, not including paid leave, or teleworking, or on-call status. For more information regarding teleworking, see the Teleworking Policy.

V. **PROHIBITED BEHAVIOR, EXCEPTIONS AND GUIDELINES**

A. **Prohibited Behavior**

Effective as of December 1, 2014, no employee shall smoke or use (including expectorating) any form of a tobacco product or e-cigarette during an employee's working hours while on, in or using city property, or while wearing clothing with city insignia when working and in direct contact with the public.

Notes:

- Employees should refer to any policies in their department on related topics for any additional restrictions.
- Boulder Revised Code and any existing or subsequent City Manager's Rules may also cover regulation of smoking and use of tobacco products and prohibit smoking in areas not covered by this policy.

B. **Exceptions**

The exceptions to this policy are that employees may use tobacco products or e-cigarettes while on a break during working hours in an area either posted or designated as a smoking area by their department head and the HR Director, or off city property, or in a personal vehicle while working and not in direct contact with the public. However, use and disposal of tobacco products must be done in a responsible and safe manner and disposal must be into an appropriate receptacle, such as a trash or compost receptacle. Employees are encouraged to be respectful of the effects of second-hand smoke on other employees who are with them and to be sensitive to the public's perception.

VI. **DISCIPLINARY ACTION**

Violation of this policy may result in disciplinary action, up to and including termination of employment.

VII. **INTERPRETATION AND APPLICATION**

Employees with questions concerning the interpretation and application of this policy should contact the Human Resources Department.

VIII. **OTHER POLICIES/EXCEPTIONS/CHANGES**

This policy supersedes all prior editions of this policy and conflicting provisions of other policies covering the same or similar topics. Only the Human Resources Director or the City Manager may grant any exception to this policy. The City Manager may review and change this policy at any time. This document does not create an employment contract.

TOBACCO CESSATION RESOURCES

The following provides information regarding free services for assistance with tobacco cessation.

1. **Smokefree.gov**

Smokefree.gov provides the following services and resources:

- Information about a wide range of topics related to smoking and quitting
- LiveHelp, the National Cancer Institute's instant messaging service
- National Cancer Institute's telephone quitline, 1-877-44U-QUIT
- Local and state telephone quitlines, 1-800-QUIT-NOW*
- SmokefreeTXT, the National Cancer Institute's text messaging service
- Information on Smokefree apps, quizzes, and materials to download
- Publications to download, print, or order

2. **Centers for Disease Control and Prevention (CDC)**

A web-based program with information regarding smoking cessation programs and information and links to other resources. For more information, visit this website: www.cdc.gov

3. **Colorado QuitLine**

Professional phone counseling and self-help materials mailed to your home. Information on nicotine replacement therapies, special help for pregnant women and spit tobacco users. The QuitLine also is available in four Asian languages and Spanish. (1-800-784-8669).

For more information visit the website at: www.coquitline.org

Or call 1-800-QUIT NOW (1-800-784-8669)

For the Asian QuitLine, here are the four languages available and phone numbers:

- Chinese (Cantonese and Mandarin): 1-800-838-8917
- Korean: 1-800-556-5564
- Vietnamese: 1-800-778-8440

4. **Colorado QuitNet**

A website with advice, information on nicotine replacement therapies, and peer support. For more information, visit this website, which also includes information in Spanish: www.co.quitnet.com

5. **Websites for quitting spit/chew tobacco**

The following are websites with information for quitting spit or chew tobacco

- Quitsmokeless at: www.quitsmokeless.org
- National Spit Tobacco Education Program at: www.nstep.org
- Chewfree at: www.chewfree.com

6. **Tobacco Education and Prevention Partnership of Boulder County (TEPP)**

Quit smoking consultation and quit kit. For more information, call 303 413-7567 or visit their website at: <http://www.bouldercounty.org/env/healthyhome/pages/teppmain.aspx>

CITY OF BOULDER

POLICIES AND PROCEDURES

**WORKPLACE CONFLICT
POLICY**

EFFECTIVE DATE: 6/16/1999



RONALD A. SECRIST, CITY MANAGER

I. POLICY

It is the policy of the City of Boulder to expect a workplace standard for employee behavior that is courteous and respectful, even in the event that conflicts arise among employees in the workplace. This standard is intended to foster a workplace that values diversity and individuality among employees and provides supportive mechanisms for resolving workplace conflicts.

II. PURPOSE OF POLICY

The purpose of this policy is to articulate an ideal standard of interaction for the workplace. By describing the ideal workplace, employees shall have a standard against which they can evaluate and strive to improve their own workplace interactions. In addition, this policy provides guidelines that employees may use when conflicts arise so that they may attempt to resolve those conflicts. Please note that if an employee believes that the basis of the conflict is because of his/her race, national origin, religion, disability, age, military status, gender or sexual orientation, provisions of the City's Anti-Discrimination/Harassment Policy may apply and should be referred to for guidance.

III. GUIDELINES FOR RESOLVING CONFLICTS

Whenever possible, employees should attempt to resolve conflicts directly with each other. Attached to this policy is a list of simple techniques that can be used by employees to resolve conflicts with others. Employees may also choose to obtain coaching from Human Resources or from the City's EAP (Employee Assistance Program) so that they may prepare themselves to have a productive conversation about a workplace conflict. By resolving conflict quickly and directly, many conflicts can be resolved discreetly and successfully.

If direct action is unsuccessful, or the employee needs assistance in solving the conflict, he/she should involve the supervisor in resolving the conflict. At this level, the supervisor may decide to work directly with individuals involved, or may involve Human Resources staff, the City's EAP, or other trained professionals as appropriate to meet the needs of the individuals circumstance.

If these steps are unsuccessful, or if individual circumstances dictate, employees may engage in a mediation process to develop a plan for resolution of the conflict with the assistance of trained professionals. Supervisors may require employees to participate in mediation as warranted by the circumstances and where attempts at coaching have been unsuccessful.

IV. SUPERVISORY RESPONSIBILITY

All managers and supervisors are expected to model courteous and respectful behavior in all interactions, including difficult situations such as taking corrective action or engaging in disagreements. Supervisors shall evaluate and coach employees on appropriate interpersonal behavior in the workplace. Should conflicts arise between or among employees in different workgroups, each respective supervisor will be expected to work toward a resolution that is satisfactory to all affected parties.

V. EMPLOYEE RESPONSIBILITY

Employees are expected to conduct themselves in a courteous and respectful manner in all interactions, including those that involve a workplace conflict or disagreement. If an employee is involved in a conflict or dispute, he/she is expected to work toward a resolution that is satisfactory to all affected parties.

V. CONSTRUCTION AND INTERPRETATION

Employees who have questions concerning the interpretation or application of this policy are to inquire of the Human Resources/Organizational Effectiveness Department.

VI. EXCEPTIONS/CHANGE

This policy supersedes all previous policies covering the same or similar topics. Any exception to this policy may be granted only by the Human Resources Director or the City Manager. This policy may be reviewed and changed at any time.

CONFLICT RESOLUTION TECHNIQUES

1. Careful preparation is the first step to successful conflict resolution. Give yourself time to reflect on your concerns so you are able to communicate them calmly, thoughtfully and clearly. Prepare the other party by letting them know in advance you have something important you want to discuss. Choose a suitable time and location where you can discuss your concerns privately and without interruption. However, problems are generally easier to resolve when they are dealt with promptly, so preparation time should be balanced against the detrimental effects of delay.
2. Try to identify and agree upon common goals and objectives.
3. Identify needs and interests rather than specific solutions to a problem. Consider the other person's needs and interests just as you would have yours considered. Try to listen to the other person as if you were a neutral third party who is uninvolved. Ask for more information if the other person has reached a conclusion that does not make sense to you, rather than challenging his/her assumption.
4. Focus on the problem, not the personalities involved. Focus on what will make the future successful, not what has created problems in the past.
5. If you believe the problem is a personality conflict, focus on the specific behaviors that are causing the problem, not on an assessment or judgement of the personality.
6. Agree upon standards to solve the problem.
7. Be creative, brainstorm, consider many possibilities for solving the problem.
8. Keep talking until you agree upon a solution that best meets the needs and interests of all parties. This is important. Often, when we wish to avoid conflict, we will agree to something quickly rather than hanging in there for something that will really work. If you haven't hit on a solution, identify what specific need or interest has not yet been met and look for a way to modify your best suggestions so far to meet that need or interest.
9. Agree on follow-up and next steps. Agree to get back together at a specific time in the future to check in with each other to see how the solution is working.
10. Consider putting your agreement in writing to avoid future conflicts.
11. If you cannot solve the problem after all of these steps, seek assistance from your manager, HR/OE, or from a professional mediator or facilitator.

CITY OF BOULDER

POLICIES AND PROCEDURES

Alcohol and Drug Use Policy

Effective Date: March 1, 1992

Last Revised: March 16, 2011


Jane S. Brautigam, City Manager

I. POLICY

The City of Boulder is committed to providing a safe, healthy and productive work environment for all employees, free from the effects of alcohol and drugs. Use of alcohol and drugs alters employee judgment, alertness and ability to react resulting in increased safety risks, employee injuries and faulty decision-making.

II. PURPOSE

This policy's purpose is to ensure the safety of employees and the public by prohibiting alcohol and drug use that adversely affects an employee's ability to perform that individual's job duties, or creates a risk to others. In addition, the city recognizes alcohol or drug abuse may result from a treatable condition. Employees who suspect they have alcohol or drug problems are encouraged to seek advice voluntarily and to follow appropriate treatment promptly before it results in job performance problems. (See Attachment A for more information regarding substance dependency, abuse, addiction and treatment.)

III. SCOPE

This policy covers all City of Boulder employees.

Please note the following:

- In addition to this policy:
 - The Boulder Police Department General Order on the subject covers Boulder Police Department employees. Those employees should refer to that document for special provisions governing them.
 - Employees who operate city vehicles or drive on city business should also refer to the Driving, and Conditions of Employment Policies.
 - Employees on paid time in a "stand-by" status must follow the department rules governing that status.
- This policy does not address or supersede the additional requirements of laws and regulations governing operation of a motor vehicle, or for employees whose job descriptions require a Commercial Driver's License (CDL) or who perform safety-sensitive duties, as defined by the Federal Highway Administration (FHWA), a division of the United States Department of Transportation. Employees whose jobs require a CDL or who perform safety-sensitive duties should also refer to the Alcohol and Drug Testing Policy (related to the Department of Transportation regulations).

IV. DEFINITIONS

The following are definitions for the purpose of this policy. These definitions may differ from definitions found elsewhere. For example, the city's definition of "under the influence" is a stricter standard than used under Colorado motor vehicle law.

Alcohol — beer, wine and all forms of distilled liquor containing ethyl alcohol, including over the counter products such as mouthwashes and cold serums.

BAC — blood alcohol content, which is the amount of alcohol absorbed in a person's blood stream, expressed in grams of alcohol per one hundred milliliters of blood as shown by analysis of the person's blood or in grams of alcohol per two hundred ten liters of breath as shown by analysis of the person's breath.

Drugs — any substance taken into the body, except alcohol, that may impair one's mental faculties or physical performance, including, but not limited to substances prohibited or controlled by Colorado or federal laws.

Medical Marijuana — marijuana grown, sold and used legally under Colorado law (including Section 14 of Article XVIII of the Colorado constitution, the Colorado Revised Statutes and the Boulder Revised Code).

Over-the-Counter Drugs — any drugs available to consumers without a prescription. This does not include medical marijuana.

Prescription Drugs — any drug regulated by the Food and Drug Administration that is available only with a written order from a licensed healthcare provider to a pharmacist. This does not include medical marijuana.

Under the Influence — having a BAC of 0.05% or greater, or not having normal use of mental or physical faculties resulting from use of a drug.

V. PROHIBITED BEHAVIOR, EXCEPTIONS AND GUIDELINES

A. Prohibited Behavior

Any of the following is a violation of the policy.

1. Using, buying, possessing, selling, trading, manufacturing, or offering for sale alcohol or drugs:
 - while on city property;
 - while in a city vehicle or vehicle rented with city funds;
 - while in a city uniform with city insignia; or
 - during the employee's work hours;
2. Being at work within four hours of using alcohol;
3. Being at work under the influence.

B. Exceptions

Note: Police Department employees should refer to Boulder Police Department General Orders for other exceptions that apply to this policy.

The following are exceptions to this policy.

1. Possessing or buying over-the-counter drugs or prescription drugs;
2. Using over-the-counter drugs or prescription drugs when taken according to the prescription or manufacturer's directions (see section VII for more information);
3. Buying unopened containers of alcohol during lunch or work breaks;
4. Possessing unopened containers of alcohol for a period of no more than one work shift;
5. Consuming alcohol on city property during off-work hours when and where the consumption of alcohol is otherwise lawful and permitted;
6. Being at work within four hours after using alcohol when called back to work, or contacted during non-work hours, in response to a city emergency; (Employees must use reasonable judgment when evaluating whether they should respond, considering the alcohol they have consumed. Under no circumstances should employees respond if they have reasonable belief they are under the influence. In addition, employees must not violate laws or regulations regarding operation of a vehicle or performing safety sensitive functions, as defined by the FHWA.);
7. Some employees may consume alcohol at work-related events they must attend as part of their official duties. An example would be an evening reception the employee attends as a representative of the City of Boulder. Such use depends on the scope of work performed by the employee and is subject to the approval of the City Manager. However, employees must refrain from consuming alcohol to the extent that it results in behavior that would reflect poorly on the city. This exception does not permit using city vehicles or vehicles rented with city funds while under the influence, as defined by this policy.

VI. ALCOHOL AND DRUG TESTING

Boulder Revised Code, Chapter 12-3, covers drug and alcohol testing of City of Boulder employees and job applicants. For more information regarding test requirements and individual's rights, see Attachment B, which is a copy of Chapter 12-3 in effect when this policy was revised.

VII. EMPLOYEE AND SUPERVISOR RESPONSIBILITIES

A. Employee Responsibilities

Any employee taking over-the-counter drugs or prescription drugs must consult with the prescribing healthcare provider or a pharmacist, or review product information to ascertain whether the medication may interfere with safe performance of that employee's job. If the use could compromise the safety of the employee, other staff or the public, the employee must use appropriate measures (e.g., use paid or unpaid leave, notify the supervisor) to avoid unsafe workplace practices. Department policy may apply additional restrictions to employees. In addition, the City may put employees on FMLA leave, as appropriate. If the employee's sick

leave bank is exhausted, other options include accrued floating holiday or vacation leave, or unpaid medical leave of absence. Authorization for the employee to return to work may be required from a physician. For more information regarding leaves, see the appropriate bargaining group agreement and the following policies: Family Medical Leave Act, Floating Holiday, Paid and Unpaid Leaves of Absences, Sick Leave, or Vacation Leave.

Any employee charged, convicted, or who pleads guilty or no contest under a criminal drug statute for a violation occurring in the work place must immediately notify his or her supervisor. In addition, an employee whose job requires an acceptable criminal background investigation and is charged, convicted, or pleads guilty or no contest under a criminal drug statute for a violation occurring outside the work place must immediately notify his or her supervisor. For information regarding positions that require a criminal background investigation, see the Conditions of Employment Policy.

For employees whose job duties require driving, see also the Driving Policy regarding reporting of a restricted or revoked driver's license.

B. Supervisor Responsibilities

Supervisors are responsible for ensuring the city does not permit illegal manufacture, use or transfer of drugs by a city employee who is on the job or on city property. Any supervisor having reasonable suspicion of such activity must contact the City of Boulder Police Department and the Human Resources Department.

Supervisors are responsible for ensuring, to the extent possible, the following for their employees:

- Employees are free from the disabling effects of drug or alcohol use.
- Employees are able to perform the full scope of their duties without loss of efficiency or increased danger to themselves, coworkers, or the public as a result of drug or alcohol use.

If practical, the supervisor shall contact the Human Resources Department before taking action, and shall permit the employee to talk to a Human Resources Department representative upon request. However, failure to take these actions does not constitute a defense to discipline imposed under this policy.

1. Testing for Alcohol and Drugs

The supervisor must arrange for taking the employee to a city-designated facility for an alcohol and drug test if any of the following occurs:

- a. The employee admits or agrees that she/he is at work under the influence;
- b. The employee denies being at work under the influence, but there is reasonable suspicion based on specific, objective, clearly expressed facts, to believe that the employee is under the influence or his or her job performance is currently adversely affected by use of a drug or alcohol per § 12-3-2 (a), B.R.C.

2. Consequence of Refusal to be Tested for Alcohol and Drugs or to be Taken Home

An employee subject to testing, under 1 above, may refuse to be tested. Under such circumstances, the supervisor should advise employee that:

- The employee will not be allowed to continue working;
- The supervisor will not allow the employee to drive any city vehicle;
- The police will be summoned if the employee makes any attempt to drive any vehicle, including the employee's own vehicle;
- Refusal to be tested may result in disciplinary action, up to and including termination.

For more information regarding guidelines and information for supervisors, see the Attachments A, B, C, and D of this policy, Section V of this policy, and the Boulder Revised Code or any successor ordinance.

VIII. CITY'S RIGHT TO CONDUCT SEARCHES

The city reserves the right to search, without employee consent, all areas and property over which the city has any type of control, including but not limited to City of Boulder: vehicles, desks, lockers, file cabinets, offices, toolboxes, storage rooms and storage areas. The city may notify the Boulder Police Department if it suspects illegal activity on city property, regardless of who has control of the area or property.

For information regarding employees' rights regarding alcohol and drug testing, see Attachment D to this policy.

IX. DISCIPLINARY ACTION

Violation of this policy may result in disciplinary action, up to and including termination of employment. In addition, disciplinary action, up to and including termination, may result if an employee's job performance deteriorates or accidents occur due to the use of alcohol or drugs. For employees whose job duties require driving, see also the Driving Policy regarding a restricted or revoked driver's license.

X. INTERPRETATION AND APPLICATION

Employees who have questions concerning the interpretation or application of this policy, and the attachments, should contact the Human Resources Department.

XI. OTHER POLICIES/EXCEPTIONS/CHANGES

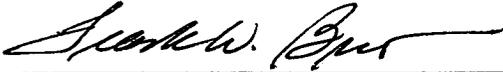
This policy supersedes all prior editions of this policy and conflicting provisions of other policies covering the same or similar topics. Only the Human Resources Director or the City Manager may grant any exception to this policy. The city manager may review and change this policy at any time. This document does not create an employment contract.

CITY OF BOULDER

POLICIES AND PROCEDURES

DRIVING

EFFECTIVE DATE: 11/2005



FRANK BRUNO, CITY MANAGER

I. POLICY

It is the policy of the City of Boulder to ensure that all employees operating City vehicles or personal vehicles while on City business are legally licensed. It is also the policy of the City that all City employees, while driving in the course and scope of their employment shall operate vehicles in a safe manner, and exercise appropriate caution and respect for all applicable motor vehicle regulations including local, state, and federal regulations governing the operation of motor vehicles in order to protect the safety and property of citizens and employees, and in order to avoid any potential City liability.

II. POSSESSION OF LICENSE AND PROOF OF INSURANCE

Standard employees must have a current, appropriate Colorado driver's license whenever they operate any motor vehicle or equipment while in the course of their City employment, regardless of whether the vehicle or equipment is owned by the City, the employee, or a third party. The license classification must meet or exceed State and Federal requirements. Seasonal and Temporary employees hired into positions which require driving and who are not legal residents of the state of Colorado must have a current, appropriate driver's license for the state in which they reside.

On a regular basis, at least quarterly, supervisors must visually inspect the driver's licenses of employees whose job duties require driving to ensure that they are currently valid. On an annual basis, supervisors or their designees are responsible for forwarding a list of employees required to drive to the Human Resources Safety Coordinator or designee. (A designee may also be substituted by the Human Resources Safety

Coordinator in all references below.) These employees will receive notice requesting them to release or obtain their motor vehicle records by a specified date through the Department of Revenue, Motor Vehicles Unit (or similar agency if records exist outside the State of Colorado) and either provide a signed release or provide these records to the Human Resources Safety Coordinator. The City can obtain motor vehicle records through the Colorado Motor Vehicles Unit at no cost as a government agency when the employee signs a release of those records. Alternately, employees may obtain Colorado motor vehicle records through any Division of Motor Vehicles Office at a minimal cost.

These motor vehicle records shall be stored in the Human Resources Department, and restricted access will be granted only to those who have a business need to review the information. Persons in the employee's immediate supervisory chain will be informed by the Human Resources Safety Coordinator whether the license is valid, invalid, or in jeopardy. Specific information about points or types of infractions will not be released to the department and supervisors unless the Human Resources Safety Coordinator deems it is necessary in order to provide a safe work environment and/or more specific driving remediation training. In such cases, the Safety Coordinator will first inform the affected employee of the need to do so.

Employees whose licenses are in jeopardy will be required to attend a driving class. A license in jeopardy is defined as one or more convictions involving eight or more points or three moving violation convictions of any type or a license restricted due to moving violations in the past 24 months.

Police and Fire and Commercial Driver's License supervisors must follow respective department procedures.

Supervisors must also verify that employees using their personal vehicles or rental vehicles to conduct City business have proof of current automobile liability insurance coverage that is in compliance with the State of Colorado Financial Responsibility Act. Proof of insurance should be available in the vehicle. The minimum amount of insurance coverage required by the State is \$25,000 per person and \$50,000 per accident for bodily injury and \$15,000 property damage.

III. CELL PHONE USAGE

Employees should take appropriate precautions when using a cell phone while driving, such as pulling over or using a hands-free device. For further information, please refer to Guidelines for Use of Wireless Communication Devices in Vehicles located on the Human Resources intraweb site under Polices, Procedures and Guidelines.

IV. OBLIGATION TO REPORT

- A. City Vehicles - Accidents, vehicle damage, or violations which occur in City vehicles must be immediately reported to the Police, followed by the employee's supervisor or designate, and the Risk Manager. Photos of all involved vehicles must be taken at the accident scene. See the Damage Reporting Procedure for instructions on the reporting procedure
- B. Personal Vehicle while on City business - Accidents which occur in a personal vehicle while on City business must be reported to the employee's supervisor or designate immediately. See the Damage Reporting Procedure for instructions on the reporting procedure.
- C. License Suspensions, Restrictions, or Revocations - For employees whose job duties require driving, either regularly or occasionally, driver's license suspension, restriction or revocation must be immediately reported to the employee's supervisor or department head. The employee's failure to notify his/her immediate supervisor, or designate, on or before the time he/she next reports to work that his/her driver's license has been suspended, revoked, or restricted in any way, will be cause for disciplinary action, up to and including termination. The supervisor or department head shall notify the Human Resources Department immediately.

V. PROCEDURES

- A. City of Boulder employees who commit traffic offenses while driving a City vehicle or a personal vehicle while on City business are expected to be personally responsible for any resultant fines or other penalties.
- B. When the City becomes aware that an employee has committed a traffic offense or performed unsafe vehicle operations in a City or personal vehicle while on City business, the employee's supervisor or designate will initiate such action against that employee as may be appropriate, in a manner generally consistent with the principles of progressive discipline. The objective of such action will be to ensure that City employees exercise appropriate driving skill and caution such that the public's safety and property is protected. Circumstances which show reckless disregard or gross negligence for the safety of self and others or of the law will be cause for disciplinary action, up to and including termination.
- C. The City will use information received from all credible sources, including photo-radar and/or photo-red light violations, in initiating disciplinary action against a

City employee for alleged driving misconduct.

- D. This policy and related procedures shall be applicable to and enforced by each City department. However, an individual department is not precluded from utilizing a more stringent or more detailed policy in this area as long as that policy is consistent with this general City policy and is based on the department's business needs.
- E. Suspension, restriction, or revocation of an employee's driver's license prohibits that employee's operation of any City or personal motor vehicle for City business.

VI. DISCIPLINARY ACTION

Supervisors shall hold employees accountable for all aspects of responsible vehicle operations. Disciplinary actions taken in this policy may be in addition to actions taken by the judicial system or the Department of Revenue.

A. Driving Offenses or Unsafe Operations:

Disciplinary action may be imposed upon an employee for traffic offenses or unsafe vehicle operations under the following circumstances:

1. It shall be presumed that driving misconduct has occurred if a court makes a finding that an employee has committed a driving offense, or if an employee admits guilt of a driving offense in any court action, or if an employee pays a fine or other penalties in connection with alleged driving misconduct.
2. Even if the conditions in paragraph 1. are not satisfied, a department may find that an employee is responsible for driving misconduct. A department may make such a finding only after an employee is provided an opportunity to respond to evidence of driving misconduct and is provided an opportunity to present a defense to the allegations.
3. Any disciplinary action initiated against an employee for alleged driving misconduct will be subject to those procedural protections made relevant by state law, federal law, city policy and any applicable collective bargaining agreement terms.

B. License Suspensions, Restrictions, or Revocations:

1. An employee whose driver's license is suspended, restricted, or revoked will be subject to disciplinary action. Depending on the specific circumstances involved, discipline may include termination, suspension, demotion, or transfer to a non-driving position.
 - a. For employees whose job duties regularly require driving, at the City's discretion, and contingent upon the availability of such a position, the employee may be placed in a position which does not require a driver's license and for which the employee is qualified. Such placement will be for no longer than 90 days and will result in at least a 5% reduction in pay. However, under no circumstances may the employee's rate of pay exceed the alternative position's salary range maximum.
 - b. This option shall only apply for the first loss of license while employed in a driving required position, and only for a loss of license that is anticipated to be no longer than 90 days duration. Any subsequent loss of license while the employee holds a driving required position will result in immediate termination.
 - c. Such alternate placement and salary reduction will be recorded as disciplinary action.
 - d. Whenever the license is again valid, if less than or equal to 90 days, the employee shall be reinstated to his/her former position and pay.
 - e. At the end of the 90 day period, if the employee does not have a valid Colorado Driver's License, he/she will be terminated from that position with no call-back or re-hire rights for that position.
2. Should the employee's position require a commercial driver's license, and should the commercial license not be eligible for reinstatement at the end of the 90 day period, regardless of the status of the employee's non-commercial license, the employee will be terminated effective immediately upon loss of license.
3. Terminated employees may apply for any vacancy for which they are qualified and which does not require a driver's license.

4. For employees whose job duties only occasionally require driving, the duty to notify the supervisor of the suspension, revocation, or restriction of license, and the attendant consequences for failure to do so, as described in paragraph 1. above, shall apply. However, any action imposed for the actual loss of license will be directly related to the detrimental impact on the performance of required job duties.
5. An employee whose license has been suspended for any substance related offense will be required to successfully complete alcohol or drug screening as provided by the City prior to returning to employment with the City. The employee may also be required to successfully complete alcohol or drug treatment prior to returning to employment. For additional information on the City's policy related to substance offenses refer to the Alcohol and Drug Use Policy.

VII. ADDITIONAL CERTIFICATION REQUIREMENTS

The City may require written and practical examinations to determine an employee's ability to operate a specific vehicle or type of equipment.

VIII. CONSTRUCTION AND INTERPRETATION

Employees who have questions concerning the interpretation or application of this policy should contact the Human Resources Department or the Safety Manager.

IX. EXCEPTIONS/CHANGE

This policy supersedes all previous policies covering the same or similar topics. Any exception to this policy may be granted only by the Human Resources Director or the City Manager. This policy may be reviewed and changed at any time.

GUIDELINES FOR USE OF WIRELESS COMMUNICATION DEVICES IN VEHICLES

I. Purpose

Wireless communication devices (i.e. cell phones, pagers, text messaging devices, computer screens) are common in the workplace. There is a growing wave of concern regarding the safety risks associated with using wireless communication devices while driving and studies suggest an increased risk for the driver being involved in a crash/collision. To minimize this distraction, *employees are expected to refrain from using personal and city-owned wireless communication devices on-the-job while operating a motor vehicle.* This applies to City vehicles and personal vehicles used for City business. Under no circumstances should a city employee place him/herself or others at unnecessary risk to fulfill personal or business needs by using a communication device driving on-the-job.

II. Guidelines

- A. Ask yourself, "Is this communication necessary right now?"
 - Please have the cell phone voicemail pick up calls while you are driving, and check your voicemail when are able to park the car.
- B. Safely pull over or use hands-free accessories for wireless communication devices.
 - Familiarize yourself with all your cell phone features and operations prior to use. Utilize hands-free devices and "one-button" functions wherever possible, such as speed-dial, redial and all standard access commands.
 - Pull off to the side of the road and stop before answering a communication, seeking emergency assistance (911), or writing a message related to the communication.
- C. In the event a device must be used while driving, consider the following options:
 - Keep conversations simple and brief and limited to business discussions.
 - Inform the other party that you are driving and may need to suspend the conversation if the call becomes a distraction.
 - Do not engage in stressful or emotional communications while driving.
 - Do not use a wireless communication device during adverse traffic, road or weather conditions.

III. EXCEPTIONS

Members of the Boulder Police Department, Fire Department and other commissioned officers and/or rangers, while involved in a critical activity, are exempt from these guidelines.

IV. CORRECTIVE ACTION

Failure to follow these guidelines may constitute unsafe operation of a motor vehicle. Under the City's driving policy, unsafe operation of a motor vehicle can result in corrective action, up to and including termination.

Workers' Compensation

If you are injured on the job, you are eligible for medical care. It is important that the following steps be taken.

Reporting Accidents or Injuries

All incidents, accidents, injuries, or unsafe conditions affecting employee(s) or the public must be reported immediately to the supervisor. Reporting an accident or injury to a co-worker or crew leader is not acceptable. ANY employee aware of an accident or injury must report the incident to his/her supervisor. All accidents or injuries must be reported no later than the end of the shift in which it occurs. Under State Law, if an employee is involved in an accident, failure to promptly file a report will jeopardize compensation and medical benefits.

Employee's Responsibility

The employee is responsible for the following: reporting the injury/accident as soon as practical but no later than the next work day after the accident injury/illness occurs. The information should be provided on the City of Boulder's Injury/Illness Reporting Form, which can be obtained from the employee's supervisor.

It is important for the employee to: provide accurate information about the injury occurrence, follow the medical treatment plan as prescribed by the medical service provider, be available for alternative duty assignment and maintain contact with the supervisor on the status of the injury/illness, participate/cooperate in the investigation of the accident which gave rise to the injury/illness, and learn/use appropriate safety methodologies and personal protective equipment (PPE) and other safety equipment when necessary to assure a safe work environment.