

SUPREME COURT OF COLORADO

OFFICE OF THE CHIEF JUSTICE

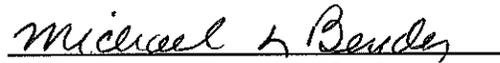
Directive Concerning Colorado Judicial Department Employee Policies

This directive shall apply to all employees of the Colorado Judicial Department, including all classified and contract employees, volunteers, interns and in some instances shall apply to Judges as specified in individual policies herein. This directive is adopted to assure compliance with Colorado Judicial Department rules, policies and procedures.

The Colorado Supreme Court approves the "Colorado Judicial Department Employee Policies," attached to this Directive as Attachments A-J. Subsequent amendments to the Attachments may be adopted and approved by the State Court Administrator, under the authority delegated to him pursuant to §13-3-103, C.R.S.

Attachments I and J added July, 2013.

Done at Denver, Colorado this 28th day of June, 2013, effective July 1, 2013.


Michael L. Bender, Chief Justice

ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICY -
COLORADO JUDICIAL DEPARTMENT

SUPREME COURT OF THE STATE OF COLORADO

Adopted June 1, 1995
Amended March 21, 1996
Amended May, 2001
Amended July, 2008
Amended May, 2011
Amended July, 2013

The Colorado Judicial Department (“Judicial Department”) is proud of its tradition of maintaining a work environment where all persons are treated with dignity and respect. Each individual should be provided with the opportunity to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including harassment based on a person’s race, color, national origin, gender, age, sexual orientation, gender identity, religion, socioeconomic status or disability. Harassment, whether verbal, physical, or environmental, is unacceptable and will not be tolerated in the workplace itself or in other work-related settings such as business trips, conferences, or work-related social events.

A. APPLICATION

The Judicial Department will not tolerate, condone or allow harassment whether engaged in by Colorado Judicial Department classified and contract employees, volunteers, interns, supervisors, judicial officers, clients, court customers or others conducting business at or with the Judicial Department.

B. DEFINITIONS

- (1.) **Harassment.** Wherever used in this policy, the term “harassment” represents any unwelcome or offensive conduct, verbal or physical, based on a person’s race, color, national origin, gender, age, sexual orientation, gender identity, religion, socioeconomic status or disability if such conduct adversely affects that person’s work performance or employment status, or otherwise creates an intimidating, hostile or offensive work environment. Examples of prohibited conduct include derogatory comments, remarks, gestures, or jokes, including the same contained in electronic communications and media, relating to a person’s race, color, national origin, gender, age, sexual orientation, gender identity, religion, socioeconomic status or disability, racial or ethnic slurs, and negative epithets.
- (2.) **Sexual Harassment.** Sexual harassment specifically is defined as any type of unwelcome or offensive conduct based on an individual’s sex, whether or not the conduct is sexual in nature, where: 1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, promotion or other aspects of employment; or 2) this conduct unreasonably interferes with a person’s employment or creates an intimidating, hostile or offensive work environment.

Examples of prohibited sexual harassment include: derogatory comments, remarks, gestures or jokes about a particular sex; demands for sexual favors in exchange for favorable treatment or continued employment; unwanted sexual advances or propositions; unwelcome touching; graphic, verbal commentary about an individual’s body, sexual prowess or sexual deficiencies; repeated sexual comments, sexual gestures, sexual jokes, leering, whistling, or other verbal abuse of a sexual nature; the display in the workplace of sexually suggestive objects or pictures; and using electronic media and communications to send or receive sexually suggestive messages and/or images.

- (3.) **Discrimination.** Whenever used in this policy, the term “discrimination” refers to any treatment or distinction in favor of or against a person based on the person’s race, color, national origin, gender, age,

sexual orientation, gender identity, religion, socioeconomic status or disability to which that person belongs rather than on individual merit.

C. COMPLAINT PROCEDURE

An employee or judicial officer who believes he or she has been subjected to harassment is strongly encouraged to disclose the offending behavior so appropriate action may be taken.

- (1.) **Reporting.** The employee or judicial officer should report the matter promptly and may choose any of the following persons for filing the complaint: the person's own supervisor or any other supervisor, the District Administrator, the Chief Probation Officer, the Chief Justice or Chief Judge of the court, or the Human Resources Division of the State Court Administrator's Office.
- (2.) **Form of the Report.** The initial report may be either a written or verbal complaint. Any person who receives a verbal complaint shall document the information received in writing and have it signed by the complaining party. Written complaints should include the date, time, location, and a description of the event or behavior complained of, the names of the parties involved and of any witnesses, and should be signed by the complaining party ("complainant"). The recipient of the complaint must provide copies of the complaint (marked personal and confidential) to 1) the Chief Judge, District Administrator, or Chief Probation Officer, and/or 2) to the Human Resources Division of the State Court Administrator's office. If the complaint alleges a violation by the Chief Judge, District Administrator, or the Chief Probation Officer, a copy also shall be provided to the Human Resources Division of the State Court Administrator's Office.
- (3.) **Confidentiality.** All complaints of harassment shall be kept in confidence, except as necessary to investigate the complaint and respond to any legal and/or administrative proceedings arising out of or relating to the report. All complaints of harassment and discrimination as well as the results and findings resulting from any investigation thereof are confidential and not subject to disclosure through open records requests.
- (4.) **Investigation.** Reports of harassment and discrimination from employees warranting an investigation shall be referred to the Human Resources Division of the State Court Administrator's Office for investigation. In some instances, an initial inquiry will be completed as a preliminary review by the Human Resources Division to determine whether there is cause to conduct a full investigation. A full investigation, at a minimum, will include conferences with the complainant, the alleged perpetrator, and any witness(es) to the incident. Any party involved in a harassment complaint may submit any documentation they believe to be relevant to the matter at issue to the investigating authority.
- (5.) **Recommendations and Penalties.** The Human Resources Division will make findings and will recommend appropriate action to resolve the matter to the administrative authority. Such action may include, but is not limited to, mediation, education, corrective or disciplinary action (including dismissal), or a combination of such actions. Any investigation resulting in a finding that a person has maliciously or recklessly made false accusations against another may subject the accuser to appropriate corrective or disciplinary action, which may include dismissal. A full report of any disciplinary action taken will be sent to the Human Resources Division of the State Court Administrator's Office.

The Division of Human Resources' findings of investigations of complaints against Judges shall be referred the Judicial Discipline Office pursuant to the agreement between the State Court Administrator's Office and the Judicial Discipline Commission.

- (6.) **Notice to Complainant.** The complainant will be advised when the investigation has been completed, within 30 days of the filing of the complaint. Should the investigation take longer than 45 days, the complainant will be so notified. If no information has been provided to the complainant within 45 days, the complainant should immediately contact the Director of the Human Resources Division of the State Court Administrator's Office, which will determine the status of the investigation or begin its own investigation, and provide a status report to the complainant. Both the complainant and the subject of the complaint will receive notification when the investigation has been completed. Investigation findings are not subject to appeal under the Colorado Judicial System Personnel Rules.

D. RETALIATION

Retaliation against any individual who has made a charge, filed a report or complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy will not be tolerated. Retaliation is a serious violation of this policy and should be reported immediately. Reports of retaliation are taken seriously and may be the subject of a separate investigation. Any act of retaliation may result in appropriate corrective or disciplinary action, which may include dismissal.

Originally adopted by the Court, En Banc, on June 1, 1995, amended on March 21, 1996, amended on May, 2001, amended July, 2008, amended May, 2011, amended July 2013.

CODE OF CONDUCT - COLORADO JUDICIAL DEPARTMENT

SUPREME COURT OF THE STATE OF COLORADO

Adopted October, 1984
Amended July, 2008
Amended May, 2011

The following code of conduct applies to all Colorado Judicial Department classified and contract employees, volunteers and interns, but not to Judges who are subject to the Colorado Code of Judicial Conduct. Magistrates are subject to both this code of conduct and to the canons of the Colorado Code of Judicial Conduct.

In addition to this Code, employees must be aware that some activities and actions are governed by various sections of the Colorado Revised Statutes, including but not limited to §18-8-302 (bribery), §18-8303 (compensation for past official behavior), §18-8-304 (soliciting compensation), §18-8-305 (trading in public office), §18-8-307 (designation of supplier), §18-8-308 (conflict of interest), and §18-8-402 (misuse of official information).

Purpose

It is essential to the proper functioning of the State that all employees of the Judicial Department observe high standards of conduct to maintain professionalism in the workplace and public confidence in the integrity and independence of the judicial system. Judicial Department employees must discharge their duties in a manner that creates confidence ensuring the judicial system is fair and impartial; court decisions, rules, and policies are made through established procedures; and Judicial Department employees will not misuse their positions to obtain unauthorized benefits. It also is important that Judicial Department employees foster respect and credibility within the Judicial Department and within the communities in which they work by adhering to high standards of conduct in the areas of customer service, job performance, personal integrity, professional responsibility, and by avoiding not only impropriety but the appearance of impropriety.

Confidential Information

Employees shall not:

Disclose or use confidential information acquired during the performance of job duties for any purpose not connected with official duties. Confidential information includes, but is not limited to, information relating to pending cases that is not a matter of public record including, without limitation, the communications and work product of any judicial officer, law clerk, staff attorney, or other employee;

Disclose to any unauthorized person for any purpose any confidential information acquired during the course of employment, or knowingly acquired through unauthorized disclosure of another; or

Comment publicly or express personal opinions about a case or matter before the court to any person not an employee of the Judicial Department except in the performance of official duties.

Conflicts of Interest

The employee shall not:

Solicit or accept any fee, compensation, gift, payment of expenses, or any other thing of monetary value under circumstances in which the acceptance may appear to improperly influence the employee's job performance or the integrity of the courts. This provision shall not include the receipt of any gifts of historical or significant value donated by any person or group for the benefit of the court system provided such gift is received on behalf of the courts by the

appropriate designated authority;

Use authority or influence to secure anything of value for private gain, including using or attempting to use the employee's position, or the prestige of judicial affiliation, to secure an unwarranted privilege, advantage, or exemption for the employee or others;

Use state time, property, equipment or resources for private gain including, without limitation, accessing court or probation records for non-official or personal purposes;

Use undue influence to gain, or attempt to gain, personal advantage or advantage for a family member or friend before the courts. A Judicial Department employee shall not influence or attempt to influence the assignment of cases, or perform any discretionary or ministerial function of the court in a manner that improperly favors any litigant or attorney, nor should a Judicial Department employee imply that he or she is in a position to do so;

Obtain a contract with the Judicial Department in which the employee, a member of the employee's family, or a business, organization, or person with which the employee is associated has an interest, unless granted in the same manner applied to other interested contractors;

Contract for services with defendants or probation clients;

Attempt to influence an official decision of the Judicial Department from which the employee, a family member, or a business or organization with which the employee is associated may derive a benefit; or

Engage in any activity or business, which creates a conflict of interest or has an adverse effect on the confidence of the public in the integrity of the judicial system.

Standards of Conduct (On and Off Duty as applicable):

Employees shall:

Uphold the constitutions and laws of the United States of America and the State of Colorado.

Serve the public with respect, concern, courtesy and responsiveness in the performance of all job duties providing procedural assistance as needed without giving legal advice;

Demonstrate high standards of professionalism in the workplace that includes interacting with the public, co-workers and management in a civil, courteous, and respectful manner;

Demonstrate the highest standards of personal integrity, truthfulness, and honesty;

Uphold state-wide and local policies and procedures including providing full cooperation, candidness, and truthfulness when participating in an internal investigation of wrongful conduct;

Use state resources, time, property and funds prudently and in accordance with prescribed procedures and local policies including limiting personal use of the Internet, electronic communications, media and applications while on the Judicial Department computer network, consistent with CJD 07-01, Electronic Communications Usage Policy, and limiting the personal use of personal cell phones and personal electronic media devices while on work time;

Perform all duties without favoritism and without improper influence by family, social or other relationships;

Avoid any involvement in the processing of any matter before the courts or probation in which the employee has a personal, business or family interest and immediately inform the Administrative Authority of the existence of such conflict of interest;

Behave in a manner that promotes public confidence in the integrity and impartiality of the judicial system;

Avoid impropriety or any activity that gives the appearance of impropriety;

Avoid any activity that would appear to lend the prestige of the court to advance the private interests of the employee or others; and

Promote the integrity of the court record.

Outside Activities:

Employees shall conduct any activities outside normal working hours in a manner as to avoid any negative impact on the courts and/or the employee's ability to perform assigned duties. If an outside activity involves regular appearances or interactions with the courts, or if the activity concerns the law, the legal system or administration of justice, the employee shall first consult with the Administrative Authority to determine whether the proposed activity is consistent with this provision.

Reporting Requirements:

Any violation or appearance of a violation of this code shall be immediately reported to the employee's direct supervisor, Administrative Authority, or the Human Resources Division at the State Court Administrator's Office.

Sanctions:

Failure to comply with this code of conduct may result in cancellation of a contract, or corrective and/or disciplinary action for classified employees, including termination.

Originally adopted by the Court, En Banc, October, 1998, amended July, 2008, amended May, 2011.

DRUG FREE WORKPLACE POLICY - COLORADO JUDICIAL DEPARTMENT

SUPREME COURT OF THE STATE OF COLORADO

Adopted September, 1998

Amended July, 2008

Amended May, 2011

The following policy applies to all Colorado Judicial Department classified and contract employees, volunteers, interns and judicial officers.

A. PURPOSE

The State of Colorado Judicial Department has a vital interest in maintaining a safe, productive and efficient working environment for its employees, clients, and the public. Employee performance impeded by alcohol or other drugs can have a negative impact on the efficient operation and integrity of the courts and probation departments and may pose safety and health risks. This policy is enacted to address those issues in compliance with the provisions of the Drug-Free Workplace Act of 1988.

B. POLICY

To ensure a safe, effective, productive, and efficient working environment, as well as to comply with federal and state law, it is the policy of the Judicial Department that all employees of the Colorado Judicial Department ("Judicial Department") including all classified and contract employees, volunteers, interns and judicial officers are prohibited from having in their system alcohol, illegal drugs, including state-authorized medical marijuana, or any medically unauthorized prescription drugs while at work, including any work related activities or other state business, or while operating a state owned/leased vehicle. The unlawful possession, manufacture, dispensation, use, sale, purchase, storage or transfer of controlled substances, or drug paraphernalia, at any Judicial Department work site, at any off-site location during work related activities or other state business or in any state owned/leased vehicle also is prohibited.

"Controlled substances" are those substances listed in Schedules I-V of Section 202 of the Controlled Substance Act, 21 U.S.C. § 812, as amended. "Drug paraphernalia" is any equipment, product or material primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance."

The use of illegal drugs off-duty also is strictly prohibited and the off-duty abuse of prescription drugs or alcohol where such use adversely affects job performance. Violations of this policy by employees will be cause for corrective or disciplinary action up to and including termination of employment. Reasonable suspicion of a volunteer's use of drugs or alcohol while performing duties will result in discontinued use of the volunteer.

C. SUPERVISORY RESPONSIBILITY

It is the responsibility of all management and supervisory personnel to implement these policies and to follow these guidelines to ensure fair and consistent application throughout the Judicial Department.

D. REASONABLE SUSPICION

If an employee's behavior or performance promotes a reasonable suspicion of impairment, the employee may be asked to submit to a drug and/or alcohol test. Supervisors who suspect such impairment must advise their administrative authority. The Administrative Authority will determine whether to request testing. If testing occurs during working hours, the employee must be transported to the appropriate offsite testing facility. All test results arising from this policy shall ensure privacy, proper chain of custody, and remain confidential. Any information should be communicated on a strict "need to

know" basis. Any testing where the outcome is a positive result shall be verified through a confirmatory method. If a positive test is verified through a confirmatory test, it will be deemed a violation of this policy.

Reasonable suspicion may be established if an employee exhibits the physical symptoms of intoxication or drug use, such as slurred speech, difficulty walking, glassy eyes, or breath that smells of alcohol; the employee is observed in possession of or using drugs or alcohol; an employee exhibits a pattern of abnormal conduct or erratic behavior; or reliable reports of drug or alcohol use are received from credible sources.

If reasonable suspicion based on specific objective facts exists, it is considered a violation of this policy for an employee to refuse to submit to testing. Refusal may result in referral to mandatory treatment and/or in corrective or disciplinary action up to and including termination. In the case of mandatory treatment, it is the employee's responsibility to verify compliance to her or his supervisor.

For employees paid from federal funds, where federal laws or regulations are more stringent than those contained in this policy, the federal regulations and procedures supersede this policy.

E. DUTY TO REPORT

Each employee is required by law to inform their administrative authority within five (5) days after he or she is convicted for violation of any federal, state or municipal criminal drug statute where such violation occurred on state property or during work hours. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal, state or municipal court. Failure to report may result in corrective or disciplinary action pursuant to the Colorado Judicial System Personnel Rules or applicable provisions of employment contracts. The Administrative Authority shall immediately notify the Judicial Department's Human Resources Division.

A felony conviction of any criminal drug statute will result in termination of employment.

F. SELF REFERRAL

Employees, or a family member acting on the employee's behalf, wishing to obtain assistance for the treatment of an alcohol or drug-related problem are encouraged to talk to their supervisor, the Administrative Authority, a member of the Human Resources Division, or seek assistance from C-SEAP. C-SEAP can provide short-term, confidential counseling free of charge as well as treatment referrals based upon available resources, area of residence, and cultural background. Should an employee undergo alcohol/drug treatment, whether voluntary or mandatory, any absence from work will be handled in accordance with existing leave policies and benefit plans, if applicable. It remains the responsibility of the employee to meet established work standards and perform the essential functions of his or her position. Individuals recovering from alcohol or drug problems may be eligible for reasonable accommodation under the Americans with Disabilities Act.

Originally adopted by the Court, En Banc, September, 1998, amended July, 2008, amended May, 2011.

STATEMENT OF POLICY RELATING TO ACQUIRED IMMUNE
DEFICIENCY SYNDROME - COLORADO JUDICIAL DEPARTMENT

SUPREME COURT OF THE STATE OF COLORADO

**Adopted August 18, 1989
Amended May, 2011**

The following policy applies to all Colorado Judicial Department classified and contract employees, volunteers, interns and judicial officers.

Section 504 of the Rehabilitation Act of 1973 defines AIDS and related conditions as a disability/handicap and forbids discrimination against persons with such conditions. No restrictions, therefore, shall be placed on any judicial officer or employee based solely on a diagnosis of AIDS or positive HIV and no judicial officer or employee shall be requested to submit to any testing for the HIV infection as a condition of or incident to their employment. An employee is defined in Section 24-10-103 4 (a), 10 A, CRS (1988).

An individual's health condition is considered private and confidential. Appropriate measures shall be taken to protect such information. Reasonable accommodations in the workplace shall be made if based upon the recommendation of an affected person's physician. Reasonable accommodations may include job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, and other similar actions.

All judges, administrators and other supervisory personnel shall apply non-discriminatory employment practices, while supporting educational and employment assistance programs regarding AIDS and AIDS related conditions.

Amended May, 2011

POLICY FOR MAINTAINING A NON-VIOLENT WORKPLACE - COLORADO JUDICIAL DEPARTMENT

SUPREME COURT OF THE STATE OF COLORADO

Adopted April 29, 1998
Amended May, 2011

The following policy applies to all Colorado Judicial Department classified and contract employees, volunteers, interns and judicial officers.

Purpose

The Judicial Department strives to maintain a work environment that is free from intimidation, threat, or acts of violence including domestic violence. It is with this commitment in mind that this policy is developed and enforced. Employees should review local safety and security policies in addition to this policy.

The Judicial Department will not tolerate violent behavior or the threat of violent behavior at its work sites, at any off-site location during work related activities or other state business, or in any state owned/leased vehicle. Unacceptable behavior directed by anyone toward clients, members of the public, vendors, coworkers, contract workers, volunteers, interns, employees, supervisors, managers or any other person will not be tolerated. Further, Judicial Department will not tolerate prohibited behaviors conducted off-duty where the behavior arises from the workplace, has a negative impact on the workplace, and/or has a negative impact on the individual's ability to perform assigned duties. Violent behavior also will not be tolerated against a work site or any state owned/leased property.

Definitions

Violent behavior is defined as any act or threat of physical, verbal or psychological aggression, including without limitation stalking behaviors and the destruction or abuse of property by any individual. Threats may include veiled, conditional or direct threats in verbal, written, electronic or gestural form, resulting in intimidation, harassment, harm, or endangerment to the safety of another person or property. Domestic violence denotes an act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. An intimate relationship is a relationship between spouses, former spouses, past or present unmarried couples, same sex couples, persons who are dating or have previously dated, or persons who are both parents of the same child regardless of whether the persons have been married or have lived together at any time.

Prohibiting Deadly Weapons

Deadly weapons are prohibited from being brought into any Judicial Department worksite during work related activities or other state business, and in any state owned/leased vehicle. A "deadly weapon" includes any of the following: (1) firearms (except as specified below), (2) knife over three and one half inches long; (3) bludgeons, or (4) any other weapon, device, instrument, material or substance, whether animate or inanimate.

Judicial Officer Exception to Firearms Prohibition

Judicial officers are prohibited from possessing firearms at any judicial department work site, during work related activities or other state business and in any state owned/leased vehicle, except as permitted in writing by the Chief Judge or Justice. A judicial officer with appropriate legal authority to carry a firearm may request permission from the Chief Judge or Justice who has administrative authority over the judicial officer. Any permission granted must be in writing for a specific time and for a specific reason or purpose. Such permission may be revoked at any time without reason.

Domestic Violence

Employees that are Victims of Domestic Violence or are Recipients of Protection Orders

All classified and contract employees, volunteers, interns and judicial officers who are victims of domestic violence or who are protected parties to a protection order are encouraged to report the incident/situation to their supervisor or the Administrative Authority and to the Human Resources Division so that precautionary measures can be taken to protect workplace safety. Use of paid time off or leave without pay may be available in accordance with state law for purposes of

seeking a civil protection order, obtaining medical care or mental health counseling, securing a home away from the perpetrator, and/or seeking legal assistance to address the domestic violence.

Reporting Requirements for Employees Who are Convicted of Crimes Involving Violent Behavior or Have Restraining Orders

Any classified and contract employees, volunteer, intern or judicial officer who is convicted of a crime involving violent behavior, or is the restrained party to a temporary or permanent protection order shall immediately notify his/her Administrative Authority. Such information also shall be reported to the Human Resources Division.

Complaints

Any classified and contract employees, volunteer, intern or judicial officer who feels he/she has been subjected to any behavior prohibited by this policy, or have witnessed or have knowledge of a violation of this policy, shall immediately report it to their own supervisor, any other supervisor, or to his/her Administrative Authority, or to the Director of Human Resources. If an imminent threat exists, local law enforcement shall be contacted. All reports must be documented in writing, with a copy provided to the Human Resources Division, and shall be taken seriously, investigated, and action taken as appropriate.

Sanctions

Violations of this policy by Judicial Department employees may result in corrective or disciplinary action which may include dismissal.

Retaliation

Any investigation that results in a finding that an employee has maliciously or recklessly made false accusations against another alleging violation of this policy may subject the accuser to corrective or disciplinary action which may include dismissal. Retaliation against any individual who has made a charge, filed a report or complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy will not be tolerated. Retaliation is a serious violation of this non-violent workplace policy and should be reported immediately. Reports of retaliation are taken seriously and can lead to a separate investigation that may result in appropriate corrective or disciplinary action, which may include dismissal.

Amended May, 2011

POLICY CONCERNING PERSONAL RELATIONSHIPS IN THE WORKPLACE - COLORADO JUDICIAL DEPARTMENT

SUPREME COURT OF THE STATE OF COLORADO

Adopted June, 2004
Amended July, 2008
Amended May, 2011
Amended July, 2013

The following policy applies to all Colorado Judicial Department classified and contract employees, volunteers, interns and judicial officers.

The Judicial Department strives to provide and maintain a professional, supportive work environment for all of its members. Supervisors are responsible for maintaining objectivity in their supervision of subordinate employees. Probation officers shall maintain objectivity in the supervision of probation clients.

Personal relationships of a romantic and/or sexual nature between supervisors and their subordinates can create problems in the workplace including conflicts of interest, the appearance of favoritism or preferential treatment, and an increased potential for claims of harassment, coercion or retaliation. It, therefore, is the policy of the Judicial Department that:

Where employees and/or judicial officers are married to each other, living together, or otherwise engaged in a romantic and/or sexual relationship, they shall not hold a position in which:

1. One party would directly or through the chain of command:
 - a. Exercise supervisory, appointment or dismissal authority over the other person,
 - b. Be in a position to take disciplinary action against the other person, or
 - c. Otherwise have an effect on the terms and conditions of the employment of that person;
2. One party audits, verifies, receives or is entrusted with money handled by the other, or has access to confidential information, including payroll and personnel records, of the other person;
3. One party is employed as the State Court Administrator, a Division Director or one of the Senior Staff of the State Court Administrator's Office (SCAO), a SCAO Human Resource Analyst, or the SCAO Controller, and the other party works in one of the courts or the judicial districts, or;
4. One party is a justice, judge or magistrate working within the same court or judicial district of the other party who is employed as a classified or contract employee in that court or judicial district.

Where a romantic and/or sexual relationship exists between two persons as described in 1-4 above, both parties involved shall immediately notify the Administrative Authority or the Human Resources Division of the State Court Administrator's Office. The Administrative Authority shall, within 30 days of the notification or otherwise becoming aware of a relationship, attempt to accommodate the relationship, if necessary and practical, by altering the reporting structure or by transferring or reassigning one or both persons so that the conflict of interest no longer exists. If no opportunity exists for reassignment, voluntary demotion or transfer, one of the parties shall be requested to resign from his or her employment with reinstatement rights as provided by the Colorado Judicial System Personnel Rules.

Personal relationships of a romantic and/or sexual nature between probation staff members and probationer clients also can create problems in the workplace including conflicts of interest, impropriety or the appearance of impropriety, and an increased potential for claims of harassment, coercion or retaliation. Therefore, it is the policy of the Judicial Department that probation staff are prohibited from entering into a romantic or sexual relationship with any probation client supervised in that same district while the individual is on probation and for a period of six months following termination of probation by

the court. Should the probation staff member have supervised the client, directly or indirectly, this restriction shall apply for the entire period the probationer client remains on probation, whether in that same district or in another district, and for a period of one year following termination of probation by the court.

Should an individual with whom a probation staff member has an existing personal romantic and/or sexual relationship be sentenced to probation, in that district or in another district, the probation staff member shall immediately inform the Administrative Authority so that appropriate accommodations may be considered to avoid any conflict of interest and/or appearance of impropriety, including transferring supervision of the probation client to another district as practicable and ensuring the probation staff member is aware of the Code of Conduct restrictions on accessing the file and/or otherwise influencing probation supervision of the client.

The Administrative Authority shall notify Legal Counsel and the Director of Human Resources of the State Court Administrator's Office prior to taking action in relation to this policy.

Failure to comply with this policy may result in cancellation of a contract, corrective and/or disciplinary action, including termination, or a referral to the Commission on Judicial Discipline.

Originally adopted by the Court, En Banc, June, 2004; amended July, 2008, amended May, 2011, amended July, 2013.

EMPLOYEE RIGHTS AND RESPONSIBILITIES FAMILY/MEDICAL LEAVE

SUPREME COURT OF THE STATE OF COLORADO

Adopted April 29, 1998
Amended May, 2011

The following policy applies to all Colorado Judicial Department classified and contract employees who meet eligibility requirements below.

Basic Leave Entitlement

Family/Medical Leave ("FML") is available to eligible employees providing a maximum of 12 weeks unpaid, job-protected leave for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform his/her job duties.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use his/her 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. FML also is available for eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FML, an employee's health coverage is maintained under the State of Colorado's group health plan on the same terms as if the employee had continued to work. Upon return from FML, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FML cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees, including contract employees, are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. FML can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned

medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees must use accrued paid leave while taking FMLA leave. In order to use paid leave for FML, employees must comply with the Judicial Department's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FML when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with normal call-in procedures.

Employees must provide sufficient information for the supervisor or local benefits administrator to determine if an absence may qualify for FML and the anticipated timing and duration of the absence. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the supervisor or local benefits administrator if the requested leave is for a reason for which FML leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Medical Certification and the Genetic Information Nondiscrimination Act of 2008 Compliance:

In filling out the required FML medical certification paperwork, you and your medical provider should not provide **any genetic information**, which is defined to mean: information about the individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Judicial Department Responsibilities

The supervisor or local benefits administrator shall inform employees requesting leave whether they are eligible for FML or, if not, medically certified leave. If an employee is eligible for FML, the notice must specify any additional information required as well as the employees' rights and responsibilities. If the employee is not eligible, the supervisor or local benefits administrator shall provide a reason for the ineligibility.

The supervisor or local benefits administrator shall inform employees if leave will be designated as FML and the amount of leave counted against the employee's leave entitlement. If the supervisor or local benefits administrator determines that the leave is not FML-protected, the employee shall be so notified.

Amended May, 2011

**WORKER'S COMPENSATION DESIGNATED MEDICAL PROVIDER -
COLORADO JUDICIAL DEPARTMENT**

SUPREME COURT OF THE STATE OF COLORADO

**Adopted April 29, 1998
Amended May, 2011**

The following policy applies to all Colorado Judicial Department classified and contract employees, paid interns and judicial officers.

In the event that an employee incurs a work-related injury or illness, you are hereby notified that each Judicial District Department (Probation/Trial Courts/Court of Appeals/Supreme Court/SCAO) has designated a workers' compensation medical provider(s) for occupational and environmental medicine clinics as primary providers for treatment of all work-related injuries and illnesses. If an employee does not receive medical care for a work-related injury or illness from approved designated medical providers, the employee may be financially responsible for the care.

Employees must immediately report all work-related injuries or illnesses to the designated workers' compensation representative, but no later than four (4) working days after the injury or illness is incurred.

Amended May, 2011

**POLICY ON THE USE OF SOCIAL MEDIA
FOR COLORADO JUDICIAL DEPARTMENT EMPLOYEES -
COLORADO JUDICIAL DEPARTMENT**

SUPREME COURT OF THE STATE OF COLORADO

Adopted July, 2013

PURPOSE

The purpose of this policy is to:

- I. Recognize the growing use of social media by the Judicial Department and its employees;
- II. Recognize the value of social media networks as a means for data gathering in furthering the business needs of the courts and probation;
- III. Address the risks of social media activity and the need to adhere to the Colorado Judicial Department Code of Conduct and other applicable Department policies when using social media both at work and off duty in order to preserve public confidence in the integrity, propriety and impartiality of the judiciary; and
- IV. Avoid loss of productivity and distraction from employees' job performance.

SCOPE

For purposes of this policy, the term "social media" will be given broad interpretation and includes without limitation:

- I. Electronic, web-based technologies that allow instant, widespread and interactive communication; and
- II. Activities on the internet that involve posting by the employee, examples include, but are not limited to: blogging; podcasting; hosting or updating any form of website; posting comments, photos, other graphics, documents, links, status updates, or multimedia materials to a third-party hosted website; saving website bookmarks to a public site; filling out surveys; or sharing or participating in any other way on a social networking site such as Facebook, LinkedIn, or a micro blogging site such as Twitter; developing or contributing to a wiki such as Wikipedia or a virtual world like Second Life, etc.

APPLICABILITY

This policy shall apply to all employees (both contract and classified employees), interns and volunteers of the Colorado Judicial Department. Magistrate conduct is governed by this policy and the canons of the Colorado Code of Judicial Conduct. The conduct of Judges is subject to the canons of the Colorado Code of Judicial Conduct.

RISKS OF SOCIAL MEDIA ACTIVITY

Online communications may be perceived by court customers, vendors and the public generally as a representation of the communicator's character, judgment and values and could have an adverse effect on the confidence of the public in the integrity, propriety and impartiality of the judiciary regardless of intent.

- I. Social Media posts should be presumed public and permanent. Social media posts can be copied, forwarded or subpoenaed. Such posts are easily reproduced, can be difficult to eradicate, and may be seen by wide and unintended audiences."
- II. Once posted, there is little to no control over a post's dissemination or ultimate use. Posting some types of information on social media may be misleading (even though it is not so intended) and may jeopardize the person's professional image or reputation and, by extension, the Colorado Judicial Department. Employees

should be especially careful when posting or sharing photographs and personal information, and be similarly cautious when sharing political, religious or social opinions.

- III. Employees are personally responsible for comments posted on social media, and can expose themselves to personal liability for comments that are defamatory, obscene, discriminatory or otherwise offensive or unlawful.
- IV. Employees must be careful to comply with all copyright laws and reference or cite sources appropriately as laws against plagiarism can apply to online postings.

COMPLIANCE WITH OTHER POLICIES

Social media shall never be used in a way that violates the constitution and laws of the United States and the State of Colorado, court rules, or any Judicial Department state-wide or local policy, including the Code of Conduct, Anti-Harassment and Anti-Discrimination Policy, the Electronic Communications Usage Policy and CJSPR Rule 23, Political Activities.

OFFICIAL BUSINESS AND EMPLOYMENT RELATED USE OF SOCIAL MEDIA

Use of social media for official Judicial Department business related purposes is permitted only when approved by the administrative authority, State Court Administrator, Chief Information Officer or Director of Human Resources. Employees shall have no expectation of privacy associated with use of social media related to official business or employment purposes even where private technology resources are used.

PERSONAL USE OF SOCIAL MEDIA ON PERSONAL TIME

- I. The Colorado Judicial Department respects the right of employees to use social media as a vehicle for self-expression and public conversation. However, employees are required to comply with the following restrictions when using social media on personal time both at work and while off duty: When posting on a social media network an employee may identify her/himself as an employee of the Colorado Judicial Department generally, but may not post information or express opinions regarding employees, managers, Judges, cases, policies or procedures of the Judicial Department.
- II. Employee shall be responsible for regularly reviewing the social media and websites that they create or host and promptly remove third-party posts that (1) compromise court security or the safety of judges and employees; (2) reveal non-public court records or other confidential judicial information or (3) contain information that the employee could not have posted personally under this policy or the Code of Conduct.
- III. Employees must obey the law and the rules of the website or social network site in which they participate. Further, even if not explicitly directed by this policy, they should obey other applicable legal and ethical rules.

PROHIBITED ACTIVITIES

Notwithstanding any other provision of this policy, employees are prohibited from engaging in the following social media activities, whether the activity is done on or off duty and whether the activity is using personal or Colorado Judicial Department technology resources and regardless of whether Colorado Judicial Department employment is identified:

- I. Confidential or Non-Public Court or Probation Information: Disclosure of sensitive, confidential or non-public court and probation information, to include photos, for any purpose not connected with official duties, including disclosure of information relating to a pending case that is not a matter of public record is prohibited.
- II. Comment about Public Information: Posting personal opinions about a case or matter before the courts or probation; making statements which create, or give the appearance of, a conflict of interest as set forth in the Judicial Department Code of Conduct; and making statements which negatively reflect on the professionalism of the courts and probation or which otherwise have an adverse effect on the confidence of the public in the integrity, propriety and impartiality of the judicial system and/or probation departments are prohibited.
- III. Political Activities: Making statements on social media which violate the Judicial Department's restrictions on political activities is prohibited.

- IV. Seal and Logos: The seal, logos, trademarks or service marks of the Colorado courts collectively, and any Individual court or judicial department or committee, may not be used in any manner without express permission from the administrative authority.
- V. Judicial Process: Employees must refrain from discussing any of the Court's internal processes and procedures, whether they are of a non-confidential or confidential nature, including scans, photos, or reproductions of emails or text messages.
- IV. Dishonest Communications: Employees must avoid deceptive behavior and misrepresentations online, including false and defamatory statements and communicating electronically or creating websites or accounts while employing a misleading alias or suggesting that the employee is someone else. This provision does not apply to the routine and accepted practice on the Internet of employing a nickname or other opaque user name to create an account or make a posting, provided the user name is not misleading or deceptive in the context used or would not otherwise violate any provision of this policy had the employee's true identity been disclosed.

MONITORING EMPLOYEES' USE OF SOCIAL MEDIA

The Colorado Judicial Department reserves the right to visit and monitor public social media sites to ensure that employees are not violating this or other Judicial Department policies.

As a condition of continued employment, the Colorado Judicial Department may request employees to cooperate in any investigation regarding an alleged violation of this policy.

VIOLATIONS

Violations of this policy may result in corrective or disciplinary action up to and including termination from employment.

Originally adopted, July, 2013

POLICY ON MANDATORY EDUCATION – COLORADO JUDICIAL DEPARTMENT

SUPREME COURT OF THE STATE OF COLORADO

Adopted July, 2013

The Colorado Judicial Department is committed to lifelong learning and education of employees. While the type of education and training may vary from person to person within the Department, certain training and education is essential for all Judicial Department employees. Education and training are essential to keep pace with changes to the business practice and technology of the court system as well as to increase knowledge and improve relationships with people both within and outside the Department.

Therefore, the following education requirements are mandatory for all employees, excluding Judicial Officers unless otherwise directed by the Chief Judge. For current Judicial Department employees, the following courses are required within two years from the signing date of this Chief Justice Directive if not already completed, unless otherwise specified. For new employees, the following courses are required within two year unless otherwise specified.

I. All Judicial Department employees shall attend:

- Anti-harassment for Employees*
- Code of Conduct*
- Introduction to Cultural Competency (required within the first FIVE years of employment)

* The Anti-Harassment and Code of Conduct training courses offered by the Division of Human Resources must be repeated by all employees within five years of the previous training in order to obtain critical updates and changes to the content of the training. For employees who are employed as of the signing of this CJD, the Anti-Harassment and Code of Conduct training courses must be repeated within five years from the date the CJD was signed.

II. Judicial Department Supervisors

All Judicial Department Supervisors within their first two years of employment as a supervisor shall attend training offered by the Division of Human Resources regarding:

- Disciplinary Process for Supervisors
- Personnel Rules
- Anti-Harassment for Supervisors
- Hiring Manager
- Human Resource Law I, II or III
- Performance Management for Supervisors
- Basic Management Skills

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