



## **LARIMER COUNTY POLICY**

### **ADMINISTRATIVE POLICY**

**SUBJECT:** Legal Compliance

**DATE:** October 24, 2023

**EFFECTIVE PERIOD:** Until Superseded

**REVIEW SCHEDULE:** Every one year in October; or as needed

**CANCELLATION:** Human Resources Policy and Procedure 331.4.25C; June 29, 2021

#### **REVISION SECTION:**

1. Section IV, B.b

#### **DEFINITIONS:**

Not applicable.

#### **ENCLOSURES:**

1. [Reasonable Suspicion Checklist – LCHR - 127](#)

#### **REFERENCES:**

1. [Human Resources Policy and Procedure 331.8](#), Corrective and Adverse Actions; Grievance Procedure; and Problem Solving Process
2. [Administrative Policy and Procedure 390.15](#), Larimer County US Department Of Transportation – (DOT) Regulatory Procedures
3. Administrative Policy and Procedure [340.1](#), [340.2](#) and [340.3](#), Wireless Communication Policy, Electronic Mail Policy and Web Content and Internet Usage
4. [Governing Policy: Policy 3.2 - Treatment of Staff and 3.5 – Asset Protection](#)
5. [Drug Free Workplace Act](#)
6. [Colorado Constitution, Article XXIX, Section 3](#) - Officials' and Employees' Ethics Act, Gift Ban section
7. [Equal Employment Opportunity Act](#)

#### **PURPOSE:**

To provide employees with information regarding legal compliance issues impacting their employment so that each employee can make their best effort to perform the duties of the job

assigned and to abide by the applicable legal requirements and the personnel policies and procedures of the County.

**SCOPE:**

This policy applies to all Offices, Departments, employees, volunteers and employees of the Office of the District Attorney, Eighth Judicial District.

**RESPONSIBILITY:**

The Human Resources Director administers this policy.

**POLICY:**

**I. EQUAL EMPLOYMENT OPPORTUNITY AND UNLAWFUL HARASSMENT**

Larimer County is dedicated to the principles of equal employment opportunity (reference G). We prohibit unlawful discrimination against applicants or employees on the basis of age 40 and over, race, sex (including pregnancy), color, religion, national origin, disability, genetic information, sexual orientation, gender identity, gender expression, military or veteran status, or any other applicable status protected by Federal, State or local law.

A. Accommodations: If an employee requests an accommodation, Larimer County will engage in a timely, good-faith, and interactive process with the employee to determine whether there is an effective, reasonable accommodation that will enable the employee to perform the essential functions of the position. A reasonable accommodation will be provided unless it imposes an undue hardship on Larimer County's business operations or causes a direct threat to health or safety.

1. Americans with Disabilities Act and Religious Accommodations: Larimer County will make reasonable accommodation for qualified individuals with known disabilities and employees whose work requirements interfere with a religious belief.
2. Pregnancy Accommodations: Employees and applicants have the right to be free from discriminatory or unfair employment practices because of pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

Employees who are otherwise qualified for a position may request a reasonable accommodation related to pregnancy, a health condition related to pregnancy, or the physical recovery from childbirth.

3. Requests for Accommodation: An employee or applicant who needs a reasonable accommodation may request such accommodation verbally or in writing by contacting a Human Resources Generalist and the employee's supervisor.

The reasonable accommodation request should include the nature of the request, a description of how the employee's ability to work is affected, and any specific requests for accommodation. Larimer County Human Resources may require employees to submit supporting medical documentation.

The employee's supervisor and Human Resources Director or designee will review the requested accommodation through an interactive process with the employee and determine whether or not the request for accommodation will be granted.

Larimer County is not required to provide the specific accommodation requested by the employee or applicant but may offer alternative accommodations that allow the applicant or employee to perform the essential functions of the job.

Larimer County will not deny employment opportunities or retaliate against an employee because of an employee's request for a reasonable accommodation. An employee will not be required to accept an accommodation that is unnecessary for the employee to perform the essential functions of the job.

B. Affirmative Action Plan: In support of our equal employment opportunity, Larimer County has developed written affirmative action plans for women, minorities, individuals with disabilities, and covered veterans. Larimer County's Equal Employment Opportunity (EEO)/Affirmative Action (AA) coordinator is the Employee Relations Manager, at Larimer County's facility located at 200 W. Oak St, Fort Collins, CO 80521. The EEO/AA coordinator is responsible for compliance with Federal and State EEO laws and affirmative action regulations. The EEO/AA coordinator is also responsible for implementing Larimer County's affirmative action plan, including equal employment practices, monitoring, and internal reporting. If you believe you have not been treated in accordance with this policy, please contact the EEO/AA coordinator. Our plan for Veterans and the Disabled is available during regular office hours or by appointment. All employees and applicants for employment are protected, by both Larimer County policy and equal employment opportunity/affirmative action regulations and law, from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation.

C. Unlawful Harassment: Larimer County strives to maintain a work environment free of unlawful harassment. In doing so, Larimer County prohibits unlawful harassment because of age 40 and over, race, sex (including pregnancy), color, religion, national origin, disability, genetic information, sexual orientation, gender identity, gender expression, military or veteran status, or any other applicable status protected by Federal, State or local law.

Unlawful harassment includes verbal or physical conduct that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Actions based on a protected status will not be tolerated. Prohibited behavior may include but is not limited to the following:

1. Written form such as cartoons, e-mails, text messages, posters, drawings, or photographs.

2. Verbal conduct such as epithets, derogatory comments, slurs, or jokes.
3. Physical conduct such as assault or blocking an individual's movements.

This policy applies to all employees including managers, supervisors, co-workers, volunteers, elected officials, and non-employees such as customers, clients, vendors, consultants, etc.

**D. Sexual Harassment: Larimer County prohibits sexual harassment and inappropriate sexual conduct. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:**

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

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

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

- E. Complaint Procedure: If you believe there has been a violation of the EEO policy or harassment based on the protected classes listed above, including sexual harassment, the incident must be reported to a supervisor and a Human Resources Director or Generalist who will review the matter and take appropriate action. If you prefer not to go to either of these individuals with your complaint, you should report the incident to the Decision Maker. It is the responsibility of Decision Makers and supervisors to immediately report complaints to the Human Resources Director or Generalist (reference A).

Larimer County expects employees to make timely complaints to enable Larimer County to investigate and correct any behavior that may be in violation of this policy. Complaints may be made by the person experiencing the discrimination or by a third party, such as a witness to the discrimination or someone who is told of the discrimination.

The complaint will be kept as confidential as practicable. The County's obligation to prevent and correct illegal harassment and violations of the policy means that total confidentiality cannot always be guaranteed. All parties to the complaint will be expected to cooperate in keeping the process confidential. All employees are expected to cooperate fully in any workplace investigation.

- F. Retaliation: Larimer County prohibits retaliation against any employee for filing a complaint under this policy or for assisting in a complaint investigation. If you believe there has been a violation of our retaliation standard, please follow the complaint procedure described above.
- G. Violations: If Larimer County determines that an employee is in violation of this EEO policy, disciplinary action will be taken, up to and including termination of employment in accordance with the provisions of Human Resources Policy and Procedure 331.8, (reference A).

## **II. HARASSMENT OR DISCRIMINATION RELATED TO AN ELECTED OFFICIAL**

This Policy Section II applies to all Larimer County Elected Officials and to the District Attorney, Eighth Judicial District (collectively "Elected Official(s)").

### **A. Workplace Unlawful Discrimination/Harassment:**

Larimer County is dedicated to the principles of equal employment opportunity (EEO) and a workplace culture that is respectful. Unlawful discrimination or harassment by an Elected Official against employees on the basis of age 40 and over, race, sex (including pregnancy), color, religion, national origin, disability, genetic information, sexual orientation, gender identity, gender expression, military or veteran status, or any other applicable status protected by Federal, State or local law is prohibited (reference G).

### **B. Complaint Procedure:**

1. An employee who believes an Elected Official has violated the EEO policy based on the protected classes listed above, including sexual harassment, is directed to promptly make a complaint. This allows Larimer County to investigate and correct behavior that may violate this policy.
2. The employee is to report the incident or behavior to a Human Resources Generalist, the Employee Relations Manager, or the Human Resources Director. The Human Resources Director and County Attorney will determine whether Human Resources staff should investigate the matter, or whether an outside investigator should be retained to investigate. Department Heads, Division Heads, managers, and supervisors who observe or are aware of behavior which they believe violated this policy must immediately report such violations to the Human Resources Director or a Human Resources Generalist.
3. The complaint will be kept as confidential as practicable. The County's obligation to prevent and correct illegal harassment and violations of this policy means that total confidentiality cannot always be guaranteed. The Elected Official, complaining party

and any witnesses are expected to keep the process and all associated information confidential.

4. The Elected Official, complaining party and any witnesses are expected to cooperate fully in any workplace investigation. When the investigator has concluded the investigation, the County Attorney and the Human Resources Director will present the findings to the Elected Official against whom an allegation is brought, and to the complaining party. The County Attorney and Human Resources Director will also provide to the Elected Official any appropriate recommendations. If an allegation of harassment or discrimination is determined to be founded against the Elected Official, the Elected Official will immediately cease the harassing or discriminating behavior and take appropriate remedial action.
5. If the Elected Official is unwilling to take any action to remedy a founded allegation of discrimination or harassment, the Human Resources Director will document the complaint, findings, and the Elected Official's refusal to act further. The complaining party may pursue available processes and remedies through the Equal Employment Opportunity Commission ("EEOC"), Colorado Civil Rights Division ("CCRD") or court proceedings. The complaint and all other materials in the investigative file will be made available to the EEOC, CCRD or court.

C. Retaliation:

Larimer County prohibits retaliation against any employee for filing a complaint under this Policy or for assisting in a complaint investigation. An employee who believes an Elected Official or other County employee has retaliated against them is directed to file a complaint under the Complaint Procedure in this Policy (Section II, B above).

### **III. SEARCHES AND WORKPLACE PRIVACY**

- A. The County may search an employee's personal property located on County property, such as personal vehicles, purses, handbags, backpacks or clothing for weapons, missing property, alcohol, drugs, contraband or other illegal substances upon reasonable belief that such items may be present. The County may also search an employee's personal property located on County property upon reasonable belief that the employee has committed an illegal act and that such search may result in evidence of such illegal act.
- B. Employees of Larimer County have no reasonable expectation of privacy concerning County property. County work areas such as offices, cubicles, lockers, computer files, and other equipment belonging to the County are considered areas for limited personal use and are subject to search at any time. Visual surveillance equipment may be used in any area.
- C. All searches may be carried out with or without law enforcement involvement. All searches will be carried out in a reasonable manner so as not to cause unnecessary disruption.

### **IV. DRUG AND ALCOHOL FREE WORKPLACE**

Larimer County prohibits the use, sale, dispensing, manufacture, distribution or possession of alcohol or drugs on any Larimer County premises, worksites or while conducting Larimer County business (reference E). This prohibition includes County owned vehicles and personal vehicles being used for County business or parked on County property. This prohibition does not include the use or possession of alcohol while off duty at the Ranch, or the temporary possession of a sealed container of alcohol on County premises. Drugs are defined as illegal drugs or legal controlled substances not prescribed to the employee or not used as prescribed. This includes working after the apparent use of marijuana, regardless of marijuana's legal status in the State of Colorado (please see Section III, A below).

No employee will report to work or be at work with alcohol or any detectable amount of prohibited drugs in the employee's system. A detectable amount refers to the standards generally used in workplace drug and alcohol testing or a positive alcohol or drug screen.

When drugs are prescribed by a health care professional, the employee will inquire of the prescribing professional whether the drug prescribed has any side effects which may impair the employee's ability to safely perform the employee's job duties. If the answer from the health care professional is yes, the employee will obtain a statement from the health care professional indicating any work restrictions and the duration. The employee will present that statement to their supervisor prior to going on duty.

Illegal use of drugs off duty and off Larimer County premises or worksites is not acceptable as it can affect on-the-job performance and the confidence of the public, and our customers. Departments or Offices may require employees to report convictions or pleas of guilty or no contest to illegal use of drugs or alcohol off duty to the County.

An employee who is convicted of or who pleads guilty or no contest to a Drug or Alcohol related offense, which occurred during work hours, while the employee was conducting County business or was on-call, must notify his or her Decision Maker within five (5) days of such conviction or plea.

Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination (reference A). Please contact the Human Resources Director or Generalist if you have any questions.

- A. Marijuana: To prevent confusion about the use of marijuana in the State of Colorado and how it relates to employment, Larimer County has issued this guideline.

Colorado law permits properly registered patients to use marijuana for medicinal purposes without fear of criminal prosecution, so long as they abide by the State's medical marijuana laws. Colorado also permits adults to possess and use marijuana for recreational purposes. Nevertheless, marijuana remains a Schedule I controlled substance under the Controlled Substances Act of 1970. As such, any use of marijuana—medical or otherwise—is against Federal law and County policy.

- B. Categories of Substance Testing: Human Resources, in coordination with Risk Management, shall be responsible for managing the substance testing program. The applicable County Department/Office will pay the costs of specimen collection and

testing for alcohol and drugs. The testing program applies to all Appointed, Regular, Limited Term, and Temporary positions except as described below and employees covered by Risk Management's Department of Transportation Regulatory Policies and Procedures, specifically Administrative Policies and Procedures 390.15 (reference B).

1. Pre-Employment: All job applicants are required to undergo a post-offer, pre-employment drug screen. All offers of employment are contingent upon the applicant passing a drug-screening test.

The following positions may not be subject to pre-employment drug testing:

- a. Board of Equalization (BOE) positions
  - b. Individuals rehired within 90 days of separation
  - c. Temporary election positions will be reviewed on an annual or as needed basis by the Human Resources Director or designee.
  - d. Temporary positions as approved by the Human Resources Director in consultation with the Risk Manager.
2. Reasonable Suspicion Testing: Any employee may be asked to submit to tests for alcohol and/or drugs when the employee is reasonably suspected of being impaired in the performance of their job.

Reasonable suspicion testing may result from one of the following examples, but is not limited to the following:

- a. Specific personal and articulable observations concerning the appearance, behavior, speech or performance of the employee;
- b. Violation of a safety rule, or other unsafe work incident which, after further investigation of the employee's behavior, leads the supervisor(s)/manager(s) to believe the employee's functioning is impaired;
- c. Admission of use of alcohol and/or drugs;
- d. Observation or reports of observation of the employee using alcohol or drugs;
- e. Other physical, circumstantial, or contemporaneous indicators of impairment.

When a supervisor/manager has reasonable suspicion to request testing, the supervisor/manager will contact the HR Director or Generalist and follow the steps outlined in the Reasonable Suspicion Checklist LCHR-127 (enclosure 1). The employee will be placed on paid leave pending the receipt of drug testing results by Larimer County.

3. Return to Duty/Follow-up Testing: If Larimer County elects to allow an employee to return to work following a positive test result, it is mandatory that the employee first pass a drug test and subsequently submit to a program of unannounced testing for a period of not more than twelve months from the date of return to duty.

Larimer County may require mandatory attendance and successful completion of a drug or alcohol abuse assistance program or similar program at the employee's



expense as a condition of continued employment, and/or random drug or alcohol testing.

C. Testing Procedure

1. Testing will include the following substances or their metabolites:
  - Marijuana
  - Cocaine
  - Opioids
  - Phencyclidine (PCP)
  - Amphetamines
  - Alcohol
  - Any other controlled substance under the Controlled Substances Act of 1970.
2. Safeguards and Confidentiality: The drug screen analysis is accomplished through split urinalysis testing. Alcohol testing may be through saliva or breath testing. Test results under this Policy shall be handled to reasonably ensure privacy, minimize intrusion, establish proper chain of custody, and maintain confidentiality.
3. Results:
  - a. Positive: If the results exceed the permitted levels for any of the drugs tested or if the alcohol test comes back positive, a second confirmatory test will be performed. The employee is prohibited from performing any duties if the initial test is positive, and while the confirmatory testing is being performed. Only specimens that are confirmed positive on the second (confirmatory) test are reported to the Medical Review Officer (MRO) for review and analysis. The MRO will contact the employee personally, in the case of a positive result.

An applicant or employee who does not pass a drug test may request that the original sample be analyzed again at the individual's expense by a government certified laboratory. All requests for an independent analysis must be made in writing to the testing facility and Human Resources within 72 business hours of notification of a confirmed positive test result.

In the event the applicant or employee is unable to successfully produce a sample for testing, the applicant or employee will not be allowed to re-test.
  - b. Negative: If the results of the initial test are negative, the testing laboratory will report the results to the MRO retained by the testing company. In this instance, no additional tests on the specimen will be done.

D. Violations:

Employees: If Larimer County determines that an employee's behavior is in violation of this policy, disciplinary action will be taken, up to and including termination of employment in accordance with the provisions of Human Resources Policy and Procedure 331.8, (reference A).

Applicants: If Larimer County determines that an applicant's behavior is in violation of this policy, revocation of the applicant's conditional offer of employment will occur.

The following are violations of this policy and may lead to termination or revocation of a conditional offer of employment:

1. A positive or non-negative test for alcohol or drugs, including marijuana.
2. Refusal to comply with testing.
3. Employees and applicants who adulterate, tamper or otherwise interfere with accurate testing.

E. Assistance

1. Larimer County provides an Employee Assistance Program ("EAP") for employees seeking assistance for drug or alcohol addiction, abuse or concerns.
2. County organizational units which have direct grants or contracts with Federal agencies must implement a drug addiction/abuse education program for the employees of that department or office. The Human Resources Department should be consulted in the design and implementation of any drug or alcohol addiction/abuse education program. The Human Resources Department will assist Decision Makers to provide drug and alcohol addiction/abuse education programs for all employees.

**V. WORKPLACE VIOLENCE**

A. Workplace Violence

Larimer County has zero tolerance for workplace violence. Employees must not engage in intimidation, threats or hostile behaviors, physical/verbal abuse, vandalism, sabotage, bullying or any other act considered inappropriate to the workplace. Bizarre or offensive comments or jokes regarding violent events and/or behavior are not tolerated.

B. Weapons at Work:

1. Definitions.

For the purpose of this Policy, the following are defined:

County Property: Any land, buildings, and/or other facilities or structures owned by, leased to or occupied by Larimer County, and any vehicles owned or leased by Larimer County.

Handgun: A pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches. Handgun does not include a machine gun.

Weapons: Any object that has as its primary purpose the infliction of physical injury such as, but not limited to, firearms, knives, or explosives. If employees have

questions whether an item is a weapon subject to this policy, they are to contact their supervisor or Human Resources Director or Generalist for a determination.

2. Possession and Use of Weapons on County Property
  - a. Unconcealed weapons: Larimer County prohibits employees' possession or use of unconcealed weapons on County Property, except where there is a work requirement to do so.
  - b. Concealed weapons: Larimer County prohibits employees' possession or use of concealed weapons on County Property, except (i) where there is a work requirement to do so; or (ii) the weapon is a handgun and the employee holds a valid permit for the handgun and possesses or uses the handgun consistent with the terms and conditions of the permit. Employees carrying concealed handguns on County Property must keep the handgun on their person at all times while on County Property.
  - c. Each department/division/office may establish a notification process in consultation with the Human Resources Director.
3. Employees who hold a valid permit for a handgun or are legally authorized to possess or use an unconcealed or concealed weapon on County Property are subject to the following conditions:
  - a. Such weapons must be kept on the person holding the permit or authorization. Weapons may not be stored in desks, in personal belongings or other employee storage areas.
  - b. The employee is requested to report to the Decision Maker or the Human Resources Director that they are allowed to possess and use a weapon on County Property and show the Decision Maker or Human Resources Director the permit allowing such possession and use. The County may take additional reasonable precautions relative to the weapon depending upon the circumstances.
  - c. A permit that allows an employee to possess a concealed handgun pursuant to Colorado Revised Statutes Title 18, Article 12 does not authorize the employee to carry the concealed handgun into a public building at which (i) security personnel and electronic weapons screening devices are permanently in place at each entrance to the building; (ii) security personnel electronically screen each person who enters the building to determine whether the person is carrying a weapon of any kind; and (iii) security personnel require each person who is carrying a weapon of any kind to leave the weapon in possession of security personnel while the person is in the building; and the carrying of firearms is prohibited by Federal law.
  - d. A permit to possess or use an unconcealed or concealed weapon does not authorize an employee to use that weapon in a manner that would violate any provision of State law.

4. Personal Vehicles

Employees may keep a legal weapon in their personal vehicle when the vehicle is parked or driven on County Property provided the employee keeps the weapon securely locked within the vehicle at all times.

5. Policies for Local Courts

In the event of a conflict between the provisions of this policy or directions issued by the Chief Judge of the Eighth Judicial District pertaining to the control of weapons in those areas of the Justice Center in Fort Collins and the Loveland Police and Courts building subject to the jurisdiction of the Chief Judge, the policies or direction issued by the Chief Judge shall prevail.

6. Weapons possessed as a requirement of the job

This policy does not apply to employees who are required to carry weapons to perform the duties of their jobs. Decision Makers, in consultation with the Human Resources Director, will approve authorized possession and use of weapons, in accordance with the law.

C. Required Reporting:

Employees are required to immediately report any behavior or acts believed to be in violation of this policy to a supervisor, Human Resources Director or Generalist. Employees should directly contact law enforcement personnel if they believe there is an imminent threat to the safety and health of employees or property.

The Human Resources Department will investigate all reports of workplace violence promptly. Based on the results of the investigation, action will be taken which management believes is appropriate. If applicable, the Larimer County Sheriff and the issuer of a Weapons Permit will be notified of any violation or inappropriate behavior or acts by the Weapons Permit holder.

D. Disciplinary Action:

An employee who engages in conduct prohibited by this Policy will be subject to corrective action or disciplinary action, up to and including dismissal from employment (reference A).

If circumstances warrant, an employee may be immediately placed on paid leave and removed from the workplace.

E. Criminal Violations:

Larimer County may report violence or threats of violence to the appropriate law enforcement agency. All Larimer County employees are expected to cooperate fully in any law enforcement investigation consistent with the employee's constitutional rights.

## VI. ETHICAL STANDARDS

Holding public office or employment is a public trust. To ensure that the confidence of the public in Larimer County is not harmed by the perception that official decisions are inappropriately influenced by gifts or compensation from organizations and individuals with which the County does business or serves, County officials and employees must comply with these policy provisions (reference F).

- A. A County official or employee will not acquire or hold an interest in any business or undertaking that he or she has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by an agency over which he or she has substantive authority.
- B. A County official or employee will not, within six months following the termination of their office or employment, obtain employment in which they will take direct advantage, unavailable to others, of matters with which they were directly involved during their term of employment. These matters include rules, other than rules of general application, which they actively helped to formulate, and applications, claims, or contested cases in the consideration of which they were an active participant.
- C. A County official or employee will not perform an official act directly or substantially affecting a business or other undertaking to its economic detriment when they have a substantial interest in a competing firm or undertaking.
- D. Rules of Conduct

A County official or employee shall not:

- 1. Disclose or use confidential information acquired in the course of their official duties in order to further substantiate their personal financial interests;
- 2. Accept a gift or gifts of substantial value or an economic benefit that amount to a gift of substantial value:
  - a. that total more than \$50.00 in a year; or
  - b. which would tend to improperly influence a reasonable person in their position to depart from the faithful and impartial discharge of their public duties; or
  - c. which they know or which a reasonable person in their position should know under the circumstances is primarily for the purpose of rewarding them for official action they have taken; or
  - d. which the activity brings discredit to the County.

It will not be a breach of fiduciary duty and the public trust for a County official or employee to use County facilities or equipment to communicate or correspond with the County official's or employee's constituents, family members, or business associates. However, all County officials and employees will comply with any Information Technology Department policies pertaining to the use of telephones, radios, and intranet or internet usage in accordance with the provisions of the Administrative Policies and Procedures 340.1, 340.2 and 340.3 (reference C).

## **VII. POLITICAL ACTIVITY**

A. Larimer County will not interfere with the conduct of County employees engaged in political activities as long as such activities:

1. Are in compliance with State and Federal laws;
2. Confined to hours when the employee is not on duty; and
3. Does not impair the employee's job performance.

B. Employees may not:

1. Campaign in their official County uniforms, County Logo attire or while wearing County identification badges or name tags.
2. Use their official capacity or influence to interfere with or affect the result of elections or nomination for office.
3. Identify themselves as County employees, for example by identifying their job title, while engaging in campaign activities.
4. Use their official capacity or influence to interfere with or affect the result of elections or nominations for office.

C. Decision Makers, managers, and supervisory staff are prohibited from all of the following:

1. Controlling in any manner the actions of their employees in casting their votes for or against any person or measure at any precinct caucus, assembly, primary, election, or convention;
2. Enclosing an employee's pay in envelopes upon which there is any written or printed political matters, devices, or arguments containing threats, expressed or implied, intended or calculated to influence the political opinions, views or actions of such employees; and
3. Posting or otherwise exhibiting in County facilities any handbill, notice, or placard intended or calculated to influence the political opinions or actions of their employees within ninety days of any election.

D. Employees whose principal employment is in connection with an activity that is financed in whole or part by loans or grants made by the United States or a Federal agency are subject to the following Federal requirements as a condition of employment, these employees will not:

1. Use their official authority or influence for the purposes of interfering with or affecting the result of an election or nomination for office;
2. Directly or indirectly coerce, attempt to coerce, command, or advise another employee to pay, lend or contribute anything of value to a political party, committee, organization, agency or person for a political purpose; and

3. Be candidates for elective public office in partisan elections. A partisan election means an election at which one or more of the candidates are to be nominated or elected as representing a political party any of whose candidates for presidential elector received votes in the last preceding election at which Presidential electors were selected. This restriction does not apply to individuals holding elective office.
- E. Campaigning: Public Officials and employees may, on their own time and without reimbursement of expenses, publicly state an opinion for or against a referred measure:
1. before or after work; or
  2. use at least one half day of documented approved vacation leave during normally scheduled hours; and
  3. opinions will not be stated during scheduled public meetings where County business is conducted.

*Approved by BOCC – Consent Agenda – 10/24/2023*  
*Jody Shadduck-McNally*  
*Chair, Board of County Commissioners*