



## COLORADO OFFICE OF PUBLIC GUARDIANSHIP

### POLICY 4: PERSONNEL STANDARDS

#### **Policy 4.1. Authority and Term**

The Commission appoints the Director. The Director is governed by personnel rules as written by the Commission. The Director serves at the pleasure of the Commission. The Director reports directly to the Commission.

The Director establishes and approves rules and policies for the Colorado Office of Public Guardianship (OPG) employees pursuant to C.R.S. § 13-94-107. The Director shall establish such procedures as may be necessary to implement these rules and policies. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1, 2, 23, and 24.

These rules and policies shall be updated as needed to reflect changes within the Agency.

These policies shall be known and may be cited as the Colorado Office of Public Guardianship Personnel Standards. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1, 2, 23, and 24.

These policies are promulgated by the Colorado Office of Public Guardianship pursuant to statutes enacted by the Colorado General Assembly and in fulfillment of the requirements of C.R.S. § 13-94-204 et. seq. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1, 2, 23, and 24.

The Colorado Office of Public Guardianship (OPG) shall employ competent staff with training and experience to provide quality service to eligible wards. The Colorado OPG shall recruit, train, and retain personnel who meet the identified needs of the individuals receiving service and contribute to the OPG's mission. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, III, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

## **Policy 4.2. Applicability**

These rules and policies shall apply to all employees of the Colorado Office of Public Guardianship (OPG) whose positions are within the classification and compensations plan established by these rules. These rules and policies shall not apply to persons who provide services for the Colorado OPG as independent contractors, or to a temporary employee of the Colorado OPG. Certain rights of these rules are not applicable to all employees, and the employee should check each rule for its applicability to the employee. An independent contractor is a firm or individual who is responsible to the state for the results of certain work but is not subject to the state's control as to the means and methods of accomplishing those results. For the purposes of determining independent contractor status, the Director will apply the criteria set forth in state and federal law. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, VI, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

The Director may determine, as appropriate, the hiring needs and work responsibilities of the Colorado OPG employees. The Director has independent hiring and termination of Colorado OPG employees. All Colorado OPG work outside of the classification and compensation plan established by the Colorado Judicial Department pursuant to C.R.S § 13-94-104(4)(a) and Colo. Const. art. VI, 5(3).

The Colorado OPG employees are not covered by the Colorado State Personnel System or any other tenure system. All employees are at-will employees and serve at the pleasure of the Director. This means that employees have the right to resign their positions at any time, with or without notice or without cause. This also means that the employees are hired and may be dismissed at the discretion of the Director with or without notice, and with or without cause, for whatever reasons the Director deems appropriate, provided those reasons are not prohibited by law.

Employees report directly to the Director, unless otherwise directed by the Director.

## **Policy 4.3. Personnel Classification and Staffing Pattern**

- A. **Personnel Classification Plan**. The Colorado Office of Public Guardianship (OPG) hereby establishes a personnel classification plan for all positions covered by the personnel rules, which shall establish the qualifications and duties for each position or class of positions, and which shall allocate each position to a class of positions having similar qualifications and duties. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National

Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice Standards 23 and 25.

- B. **Class Descriptions.** The Colorado OPG shall prepare written descriptions for every class and for every position in the classification plan. The descriptions shall be based on sound systematic occupational analysis and position evaluation and shall contain elements sufficient to distinguish the various classes, including at least the qualifications and general duties for each class of positions. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice Standards 23 and 25.
- C. **Class Titles.** The titles assigned by the classification plan shall be the official titles for every class and position for personnel transactions and budget administration. Working or statutory titles may be used in day-to-day office business.
- D. **Modification of the Classification Plan.** The Colorado OPG may modify the classification plan, including but not limited to, the addition or abolishment of classes, changes in class titles, changes in class descriptions, and changes in class salary ranges, at any time following reasonable notice of proposed modifications to all employees serving in positions that would be affected by the proposed modifications. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice Standards 23 and 25.
- E. **Assignment of Duties.** The inclusion of specific duties in a class description shall not be construed to limit the power of the Colorado OPG to assign other related duties to a specific position, including a contract employee position. Whenever there is a permanent and substantial change in the duties assigned to a position, the Colorado OPG shall complete an evaluation of the position resulting from the change. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice Standards 23 and 25.

#### **Policy 4.4. Program Staff**

- a. Initially, the Colorado Office of Public Guardianship (OPG) shall employ personnel for the following positions:
  1. Director
  2. Staff Assistant
  3. Four (4) Public Guardians (guardian-designees)
- b. Adequate staff to client ratios must be established to assure that access to and implementation of person-centered decision-making is not impaired or delayed. The design of caseload assignments should include not only the Public Guardian, but also the number of support staff required to fully support the case. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.
- c. The Colorado OPG shall comply with the national best practice of an average of twenty (20) clients per Public Guardian. Caseloads will be weighted with consideration given to the amount of time it takes to appropriately address the needs of the ward. This includes systems navigation, personal meeting time, travel time, etc. Caseloads will also be weighted according to imminent safety concerns. These concerns will be captured by regular Public Guardian visits and screenings. Caseload weighting is necessary to ensure that complex cases do not overwhelm the individual Public Guardian and that less active cases are not neglected. Actual caseload capacity for each Public Guardian will be determined on a case-by-case basis by the Director. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.
- d. Technology and a Case Management System will be utilized to assist in maximizing capacity to accept cases and the ability to address the needs of wards to ensure efficiency and accuracy. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard V, and VI. National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

#### **Policy 4.4. Hiring Practices**

- a. Pursuant to § 13-94-104 (4)(a), C.R.S. (2017), the Colorado Office of Public Guardianship (OPG) shall develop Personnel Policies. The Colorado OPG endorses the philosophy of equal employment opportunity. Employment decisions will be made without discrimination based on race, color, religion, sex, sexual orientation, national origin,

political affiliation, marital status, physical or mental disability, or age. Such employment action includes, but it not limited to, recruitment, hiring, job assignment, training, transfer, promotion, discipline, benefits, and educational opportunities. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI. National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice I and 24.

The Colorado OPG shall take steps to ensure that employees are recruited and selected based on an open and competitive basis. The necessary knowledge, skills, and abilities for the specific position shall be the principal factors considered in the selection process. Selection procedures shall be uniformly administered in making a final hiring decision. Required selection activities involved in the hiring process including interview questions and screening devices will be documented. Applications and all other material used in the hiring process may be disposed of 3 years after the date of application. Job notices shall be advertised both internally and externally. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI. National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice I and 24.

- b. Colorado statutes and court rules seek to protect vulnerable adults through procedures, standards, background reports, financial reporting, risk management, oversight, and training. Risk management includes bonding requirements and in order to be certified as a guardian an individual is required to pass appropriate background reports including a credit report. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI. National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

The professionalism and appropriateness of the Colorado OPG is of utmost importance and should be of concern to all employees. Every attempt should be made to avoid the appearance of impropriety or unprofessional behavior by employees of the Colorado OPG. Acceptable background checks and credit report are required as a condition of initial, and continued, employment with the Colorado OPG. The reports must be submitted for review upon hire. The reports will be kept confidential. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI. National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

Employees must submit to and complete the required background checks:

- a. **Criminal History** – a complete and current (no more than 30 days old) Colorado Bureau of Investigation report is necessary.
- b. **Credit Report** – a complete credit report (history and score) from one of the following credit monitoring bureaus is acceptable: TransUnion, Experian, Equifax. A credit report is not necessary for a volunteer.

Employees of the Colorado OPG shall be required to have, and maintain, the standard of a public fiduciary. Employees' credit report will reflect a history of responsible financial management and a financial status that is free from financial pressure that would be susceptible to financial malfeasance.

A fiduciary is an individual, agency, or organization that has agreed to undertake for another a special obligation of trust and confidence, having the duty to primarily act for another's benefit and subject to the standard of care imposed by law or contract.

- c. **County Adult Protective Services Check (CAPS)** – once the Colorado OPG becomes a legislatively approved entity for CAPS, an acceptable CAPS check will be required as a condition of initial and continued employment.

#### **Policy 4.5. Employee FLSA Status (Exempt Versus Non-Exempt)**

Administrative support positions (Legal Secretary, Staff Assistant, Administrative Assistant, File Clerk) are considered non-exempt for purposes of the Fair Labor Standards Act (FLSA). As such, work performed by any of these positions in excess of 40 hours per week is compensated at the overtime premium rate of pay ("time and a half"). If the non-exempt employee's regular schedule is less than 40 hours per week, and the employee works more than his/her assigned regular hours up to 40 hours in a week, the employee will be compensated at the regular rate of pay ("straight time"). Any overtime must be approved *in advance* by the non-exempt employee's supervisor. Evidence of supervisor overtime approval must be submitted monthly along with a detailed time sheet to the Director. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standards. National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1, 13, 23 and 24.

Exempt employees are not entitled to overtime compensation, and they do not earn formal compensatory time off on a hour-for-hour basis. Most professional level positions within the Colorado OPG are considered exempt for purposes of the FLSA. In general, the exempt employees receive the same compensation each pay period and are paid for the work they perform regardless of the time spent completing such work.

Colorado OPG employees may be assigned responsibilities that demand excessive hours on any given day or over a specific time period. Examples of when employees may incur excessive hours include attending conferences, meetings, hearings, or client visits outside normal business hours, long days due to travel to remote jurisdictions, and extended work hours required to meet impending deadlines. Certain flexibility is available to employees who work excessive hours due to such or similar activities, as long as those employees keep up with their workload and job responsibilities. Exempt employees working excessive hours may choose to “flex” a portion of their excess time in the same or subsequent week. Exceptions to this limitation on the use of flex time must be approved in advance by the Director. The following principles apply to the use of flex time:

- Flex time is not taken on an hour-per-hour basis. Employees should exercise reasonable professional judgment in flexing their time.
- Taking flex time must not impede on the employee’s ability to complete their assignments, cause the employee to miss or reschedule mandatory/important meetings, or otherwise interfere with the employee’s management of their workload and availability to respond to coworkers in a timely manner and assist in shared responsibilities.
- Any flex time taken in excess of 4 hours in a single day must be approved by the Director prior to taking such time.
- While employees do not need to seek preapproval to take flex time of less than 4 hours in a single day, employees should be prepared to justify the flex time taken upon Director’s request.
- Employees shall keep a record of flex time on their shared office calendar.

#### **Policy 4.6. Employment Contracts and Compensation Plan**

- A. Employment at Will. Employees of the Colorado Office of Public Guardianship (OPG) at-will employees, meaning that the Colorado OPG is not required to give notice in advance of termination. The Colorado OPG can terminate the contract for employment at any time and is not required to give a reason for separation of employment.
- B. Employment Contracts. Contracts for legislatively approved positions do not have designated end dates and, barring any changes to the contract, will continue from year to year. Any other employment contracts will have specific start and end dates based on the state’s fiscal year.

- C. Compensation Plan. The Colorado OPG hereby establishes a compensation plan in which each class of positions covered by the personnel rules shall be assigned to a salary range based upon relative responsibilities of work, comparability to prevailing rates, and other pertinent salary and economic data.
- D. Salary Computation. Every employee in the Colorado OPG shall be compensated at the rate established by the compensation plan and ultimately chosen by the Director.
- E. Wage and Hour Compliance. Most employees of the Colorado OPG are considered exempt state employees and are therefore not eligible for overtime pay.

#### **Policy 4.7. Employee Benefits**

Information regarding the benefit plans and rules and procedures that govern the plans, as well as access to the online benefits administration “Benefits Solver,” is available on the state employee benefits web site. It is the employee’s responsibility to review all state benefit details, descriptions, policies and requirements. For questions and concerns, and for first time users, please contact the Colorado Judicial Department’s Human Resources Division for administration of state benefit plans. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standards. National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1, 13, 23 and 24.

Permanent employees are eligible for a variety of group benefits plans. The employee has 31 days from the date of hire to enroll in the various plans, and coverage is effective the first month after your date of hire. Enrollment in these benefits is completed only through “Benefits Solver.” If you do not enroll at the time of hire, you must wait for the next annual open enrollment period. Elections made during open enrollment are effective the first day of the new plan year.

For further information regarding employee benefits, and additional benefits such as workers’ compensation, unemployment insurance, Medicare coverage, Public Employee’s Retirement Association (PERA), and Family Medical Leave, please contact the Human Resources Division.

Additional benefits may be offered, depending on funding.



## **Policy 4.8. Outside Employment and Volunteer Activity**

Outside employment and/or volunteer activities for full-time and part-time employees is permissible if the Director, in their discretion believes that the following conditions have been met:

### Conditions of Outside Employment/Volunteer Activity

1. The outside employment/volunteer activity does not interfere with job performance;
2. The outside employment/volunteer activity does no conflict with the interest of the Colorado OPG or the state of Colorado;
3. The outside employment/volunteer activity is not the type of employment/volunteer activity which could reasonably give rise to criticism or suspicion of conflicting interest or duties; and

If any terms or conditions of the outside employment/volunteer activity change, the employee must re-submit the request for outside employment/volunteer activity and receive proper written approval. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V and VI; National Guardianship Association Ethical Principles 6 - 8; National Guardianship Association Standards of Practice 1, 2, 3, 5, 11, 16, 20, and 24.

## **Policy 4.9. Political Activities Unrelated to Duties of the Colorado Office of Public Guardianship**

While an employee may participate in political activities subject to state and federal laws, no agency resources can be used for this purpose. Colorado Office of Public Guardianship (OPG) employees also may not campaign actively for any candidate on Colorado OPG time or in any manner calculated to exert the influence of the Colorado. Leave without pay to engage in partisan political activity or to serve in an elected office shall not be granted. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V and VI; National Guardianship Association Ethical Principles 6 - 8; National Guardianship Association Standards of Practice 1, 2, 3, 5, 11, 16, 20, and 24.

## **Policy 4.10. Orientation Training**

- a. Effective guardianship services cover complicated issues crossing many disciplines, based on the specific characteristics of the individuals served. The Colorado Office of Public Guardianship (OPG) staff will be asked to make decisions that affect the daily lives of the individuals, their financial and personal well-being. Therefore, new staff need to be well prepared prior to providing such services. National Guardianship Agency Standards of

Practice for Agencies and Programs Providing Guardianship Services Standards; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

- b. The Colorado OPG is committed to orienting new staff prior to providing services as representatives of the Colorado OPG. As such, the Colorado OPG created and supplies each staff person with an operating policies and manual that will guide the work of the employee. The manual and procedures are consistent with the mission and overall philosophy adopted by the Colorado OPG to ensure consistency among staff and the delivery of Colorado OPG services. The training curriculum for new staff should include at a minimum:
  - a. NGA Standards of Practice for Guardians/ Ethical Principles
  - b. NGA Agency Standards Fundamentals of Guardianship
  - c. Applicable Federal and State Law
  - d. Characteristics of the population served
  - e. Appropriate Terminology (i.e. “Person First” language, etc.)
  - f. Active Listening Skills
  - g. Overview of State and Local Social Services
  - h. Resources Agency/Program Policies and Procedures
  - i. Protective Services Laws and Requirements
  - j. Confidentiality and Decision-Making Ethics
  - k. Medical decision-making
- c. Administrative and support staff will be provided with the Colorado OPG training manual and procedures.

#### **Policy 4.11. Professional Development and Continuing Education**

- a. Developments in medical, legal and social services occur rapidly and the staff delivering program services must have access to the latest information and training in areas affecting guardianship. Therefore, it is essential to the public that The Colorado Office of Public Guardianship (OPG) staff continue their education in order to maintain and increase their professional competence, to fulfill their obligations and to ensure the delivery of quality services to the people of the State of Colorado. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standards; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

- b. The Colorado OPG staff are required to comply with required continuing education in addition to any other training and/or continuing education requirements that may be mandatory for maintenance of their individual licenses, certifications, etc. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standards; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

The Colorado OPG staff are required to complete a minimum of 10 hours per year of training regarding the substance of their work as guardians. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standards; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

- c. Prior approval by the Director will be required for reimbursement for such training. Since budgetary constraints limit the amount of training that be paid for by the Colorado OPG, the Colorado OPG in no way guarantees that any such training opportunities will be reimbursed. The Colorado OPG will attempt to address training needs for all staff as scheduling and budget allows and on as equitable a basis as possible.
- d. It is likely that support staff will interact at times with the individuals served by the Colorado OPG. Even if they do not, it is important for the success of the program for these staff to identify with the mission and to learn the characteristics of those served in order to enhance their ability to be effective in their support roles. Staff interacting with individuals will undergo training in the use of “Person First” language and person-centered guardianship. This is the terminology preferred by the disability community and refers to the person by name and then identifies a disability only if necessary (i.e., “person with schizophrenia, person who uses a wheelchair, etc.). These staff members will also receive training in active listening skills, techniques for calming an angry individuals and techniques in supported decision-making. Information on these topics will be available from the Colorado OPG staff. Staff may submit requests to attend outside trainings, conferences, etc. as resources permit.
- e. Arrangements should be made for position coverage for an employee absent for training during the workday. Work time spent on training away from the office should be limited to sixteen hours per calendar year.

## **Policy 4.12. Certification Requirements**

- a. The Colorado Office of Public Guardianship (OPG) shall model the highest standard of practice for guardians to improve the performance of all guardians in the state. As such, the Director will seek certification from the Center for Guardianship Certification. The Director is strongly encouraged to pursue Master Guardianship certification within five years of employment with the Colorado OPG. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.
- b. The Colorado OPG training and curriculum for Public Guardians is geared toward becoming certified from the Center for Guardianship Certification. All Public Guardians are strongly encouraged to pursue Master Guardianship certification within five years of employment.

## **Policy 4.13. Performance Evaluations**

Colorado Office of Public Guardianship (OPG) employees must perform to the satisfaction of the Director, including the Director's trust and confidence. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

- a. Annual Review Period. Employee performance is reviewed annually. The annual appraisal shall be on a rolling calendar year based on the month of hire.
- b. Evaluations shall be done by the Director, utilizing information provided through self-evaluation as well as the Director's assessment. The review shall include employee's performance in specific areas as set forth in the employee's job description and Colorado OPG mission, vision, and goals, as well as recommendations for improvement where appropriate.
- c. The performance evaluation shall be completed by the Director. Appropriate corrective or disciplinary action shall be considered for failure of the Director to complete an appraisal. Employee evaluations provides a basis for decisions regarding eligibility for recommendations for annual compensation adjustments.

- d. Colorado OPG employees should conserve state property and use taxpayer dollars prudently. Failure to meet any performance expectations can result in corrective and disciplinary action, up to and including termination.
- e. The Colorado OPG will develop a written annual appraisal policy and utilize a specific process for appraising each employee's performance.
- f. Regular and periodic supervision will be provided during the initial employment period for employees providing guardianship services.
- g. The Director will prepare employee performance appraisal forms.
- h. Appraisals shall be prepared at least on an annual basis, as a subsequent appraisal after the issuance of an appraisal of performance less than satisfactory (such subsequent appraisal shall not be completed less than 90 days after the previous appraisal), and on occasions when the Director desires to record performance worthy of recognition, either favorable or unfavorable. Reasons for submission of this type of appraisal shall be explained within the appraisal.
- i. Appraisals will be discussed with the employee, who shall have the right to add his/her comments. These comments shall be submitted within 30 calendar days of the date of the appraisal. The signing of the appraisal form of the employee does not signify the employee's agreement with the content, but only that he/she has seen the appraisal, that it has been discussed with the employee, and that the employee has been given an opportunity to comment. The Director should sign and date the appraisal. If the employee refuses to sign, the Director and a witness shall document the employee's refusal on the employee's appraisal.
- j. Each employee shall receive a copy of his/her appraisal. A copy of each appraisal shall be included in the employee's confidential personnel file.

#### **Policy 4.14. Corrective and Disciplinary Actions Policy**

The Colorado (OPG) progressive discipline and reserves the right to administer corrective and disciplinary actions concurrently. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V - VIII; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

The responsibility for administering corrective and disciplinary actions shall be vested in the Director. Before administering corrective or disciplinary actions, the employee has the right to review and discuss their concern.

In determining whether to administer a corrective or disciplinary action, the Colorado OPG consider the nature, extent, seriousness and effect of the act, error or omission committed; the type and frequency of previous undesirable behavior; the period of time that has elapsed since a prior offensive act; the previous performance evaluation of the employee; an assessment of information obtained from the employee; and any mitigating circumstances.

Prior to administering a corrective action, the Director shall meet with the employee involved to discuss the matter and to give the employee the opportunity to respond or present mitigating evidence. This meeting is not a formal hearing, and there shall be no right of representation by counsel for any participant.

A corrective action shall be in writing and shall contain the following information:

- The area(s) of needed improvement,
- The remedial step(s) the employee must take to make the improvement(s),
- The time allotted to the employee to make improvement(s),
- The consequences the employee will face for failure to improve, and
- A statement that the employee may submit a written explanation to the Colorado OPG Pilot Program. Any such explanation shall be attached to and kept with the employer's copy of the corrective action.

A copy of the corrective action shall be placed in the employee's personnel file.

The decision of the Colorado OPG with regard to corrective actions is final, and is not subject to appeal, review or grievance procedures set forth in these rules.

## **DISCIPLINARY ACTION**

Prior to administering a disciplinary action, the Director will meet with the employee involved to discuss the matter and to give the employee an opportunity to respond or to present mitigating evidence.

If the Director is contemplating a disciplinary action but reasonable efforts to hold the pre-disciplinary meeting fail, the Colorado shall notify the employee in writing by certified mail of the possible need to administer disciplinary action and the reason therefore. The Colorado OPG, via certified mail receipt shall be conclusive proof of attempt to deliver. The employee's ten-day period for answering shall begin on the date of the attempted delivery.

### **A. Causes for Corrective of Disciplinary Action**

Corrective or disciplinary action may be administered for causes which shall include but not limited to:

- Failure to comply with requirements of the job performance;
- Misconduct, which includes but is not limited to, violation of these rules;
- Failure or inability to perform duties assigned;
- A criminal charge against an employee for any offense, when such offense adversely affects the employee's ability or fitness to perform duties assigned or may have an adverse effect on the CO OPG if the employee continues such employment;
- False statement of any material fact, or practiced or attempted practice, of deception or fraud in the application, examination, or interview for employment.

The employee shall be terminated in the following circumstances:

- Upon conviction of any felony, or of any offense involving moral turpitude. Conviction shall include a plea of nolo contendere or acceptance of a deferred sentence.
- Upon receiving two disciplinary actions within any 12-month period.

B. Suspension of Employees under Disciplinary Investigation of Charged with a Crime

An employee which is charged with a felony or with any offense involving moral turpitude shall so notify the Director. The employee shall be suspended without pay pending the outcome of action, including any appeal, and shall be subject to additional corrective or disciplinary actions under other provisions of this rule. If the employee so suspended is not convicted, or if the conviction is reversed on appeal, the employee shall be restored to the position and granted full pay and service credit for the period of suspension. If the employee is convicted, and if the conviction becomes final upon appeal, if any, the employee shall not be compensated for the period of suspension. Conviction includes any plea or finding of guilt, including a plea of nolo contendere or acceptance of a deferred judgment or deferred sentence.

An employee may be given an administrative suspension with pay during the period of investigation of the employee's conduct relative to any pending disciplinary action where there is reason to believe that the employee's continued presence may endanger the safety or welfare of the public, the Colorado OPG Pilot Program employees, facilities, or property, or when there is reason to believe that the employee's presence may impair the investigation. The Director shall provide the employee with written notice of an administrative suspension and the reasons therefore by certified mail or by personal delivery to the employee. The employee shall be compensated for full pay and service credit for the period of administrative suspension.

C. Corrective and Disciplinary Action Limitations

An employee may not be corrected or disciplined more than once for a single specific act or violation but may be corrected or disciplined for each additional act or violation of the same or similar nature.

No more than two corrective actions shall be imposed on an employee in any consecutive 12-month period. Disciplinary action shall be taken for any further violation or offense during the same period.

Suspension of an employee without pay shall be limited to 30 calendar days, except as follows:

- If the Colorado OPG reverses a dismissal, but finds a valid justification for the imposition of a disciplinary action, the Colorado OPG may substitute a suspension for the period of time up to the time of the decision;
- An employee who takes unauthorized PTO without a reason acceptable to the Director shall be subject to suspension without pay for a period equal to twice the amount of leave used and will not be paid for such unauthorized leave.

#### D. Complaints by Private Citizens

Any person aggrieved or adversely affected by an employee of the Colorado OPG in the performance of the person's job may file a complaint against the employee with the Colorado OPG Director as indicated under Colorado Office of Public Guardianship Operating Policy and Manual Policy 6.6.

### **Policy 4.15. Resignations and Terminations**

The Colorado OPG requests that an employee provide notice of intent to resign at least 10 working days prior to the date the anticipated resignation is to be effective.

At the discretion of the Director, the employee may for good cause withdraw the intent to resign at any time prior to its effective date.

An employee who is absent without approved leave for a period of five or more consecutive scheduled working days may, at the discretion of the Colorado OPG, may be deemed to have resigned.

If within one year following resignation, an employee who resigned for non-disciplinary reasons is hired back into the same class in which the employee was employee at the time of the resignation, the employee shall have the status as a reinstated employee.

An employee may be involuntarily separated from service because of reorganization, including the abolishment of a position or class, or because of a decision to vacate a position or class due to the lack of work or lack of funds.

Within each affected class and location, employees shall be laid off in reverse order of length of service time within each status group. Length of service shall be counted from the employee's effective service date in the current status group, less any periods of unpaid leave during that



time. A part-time employee shall have seniority computed as an equivalent amount of full-time service.

#### **Policy 4.16. Use of Volunteers**

- a. The Colorado Office of Public Guardianship (OPG) will utilize volunteers when looking for successor guardians to transfer such a role from the Colorado OPG to a private individual. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.
- b. To serve as Public Guardian assistant or other supportive services functions.
- c. The volunteer is functioning as unpaid staff and must follow the same Colorado OPG policy and procedure as paid staff, as the procedures apply to their roles. Policies governing screening, background checks, and training apply equally to a volunteer and the volunteer is also subject to termination for poor performance.
- d. The Colorado OPG will provide training and education to volunteers. So long as the Colorado OPG trains volunteers, the use of volunteers is in line with State of Colorado policies regarding the use of volunteers. The training and education curriculum for volunteers should include, at a minimum:
  - i. NGA Standards of Practice for Guardians/ Ethical Principles
  - ii. NGA Agency Standards Fundamentals of Guardianship
  - iii. Characteristics of the population served
  - iv. Appropriate Terminology (i.e. "Person First" language, etc.)
  - v. Active Listening Skills
  - vi. Resources Agency/Program Policies and Procedures
  - vii. Confidentiality and Decision-Making Ethics

#### **Policy 4.17. Confidentiality**

Each employee, intern and volunteer of the Colorado Office of Public Guardianship (OPG) has the responsibility of protecting Agency related information. Employees will have access to information, records and files of the Colorado OPG Pilot Program and its employees, contractors and clients in connection with the performance of their assigned duties. Employees will keep such information, records and files confidential and shall comply with all laws and regulations

concerning the confidentiality of such to the extent that laws and regulations apply to the Colorado OPG Pilot Program. All employees, interns and volunteers will be required to sign a confidentiality agreement upon commencement of employment. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III VI, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1 – 5, 10 – 13, 16, 24, and 24.

Each employee, intern and volunteer of the Colorado OPG has the responsibility to protect client confidentiality. Disclosing information about a client, whether business or personal, is a serious breach of professional ethics. All employees, interns and volunteers must use extreme caution to ensure that client information in our possession does not become available to unauthorized third parties. Our clients have a right to expect that information about them will be kept confidential. To maintain all client information in a strict confidence, AVOID:

- Discussing client affairs with third parties unless the client authorizes such communication. Make note of the oral authorizations in a memo and on the Case Management System and place it in the client's electronic file.
- Disclosing confidential client information to unauthorized employees.
- Disclosing confidential client information to relatives of a client without client's authorization.
- Discussing client affairs in public places.
- Talking unnecessarily about client affairs anywhere, including the office and home.

Employees, interns and volunteers who violate these rules shall be subject to disciplinary action, up to and including termination. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

#### **Policy 4.18. Professional and Ethical Standards**

All Colorado Office of Public Guardianship (OPG) employees, interns and volunteers are expected to act in compliance with the National Guardianship Association Standards of Practice and Ethics Principles. Further, the Colorado OPG shall also be held to act in compliance with the National Guardianship Association Agency Standards. All standards are outlined in the All Colorado OPG Operating Policies and Manual. All employees must also comply with required professional standards. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice.

#### **Policy 4.19. Client and Staff Interaction Policy**

To maintain the credibility and professionalism of the Colorado Office of Public Guardianship (OPG), interaction between client and staff shall be maintained on a strictly professional basis.

Clients should not be involved in any activity involving the employee's personal life and should not receive gifts from that employee. Employees shall not provide gifts to clients. Transportation of clients should be avoided. Except in the case of an emergency, employees should get prior approval before transporting clients. If transportation becomes necessary, proof of automobile liability insurance on the employee's personal vehicle must be provided by the employee to the Director prior to the event. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1 - 4, 11 - 13, 16, 20, 23, and 24.

#### **Policy 4.20. Personal Information Policy**

It is the employee's responsibility to provide the Colorado Office of Public Guardianship (OPG) proof of identity, supply all necessary information for payroll processing, and to comply with all applicable state and federal laws.

It is the responsibility of each employee to promptly notify the Director or Human Resources Division of any changes in personnel data. Personal mailing addresses, telephone numbers, numbers/names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other information should always be accurate and current.

#### **Policy 4.21. Prohibited Discrimination and Harassment Policy**

The Colorado Office of Public Guardianship (OPG) is committed to 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 discrimination practices, including harassment based on a person's race, ethnicity, national origin, gender, age, sexual orientation, religion, socioeconomic status, or disability. Harassment, whether verbal, physical, environmental including social media, will not be tolerated in the workplace itself or in other work-related settings such as business trips, conferences and work-related social events. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1, 5, 24.

This policy applies to all Colorado OPG employees, interns and volunteers. The Agency will not tolerate, condone, or allow harassment whether engaged in by fellow employees, supervisors, judicial officers, or nonemployees who conduct business with the Colorado OPG. Employees are strongly encouraged to promptly all incidents of harassment, regardless of who the offender may be.

#### **Policy 4.22. Workplace Violence**

The Colorado Office of Public Guardianship (OPG) strives to maintain a work environment that is free from intimidation, threats or acts of violence. Violent behavior or threats of violent behavior directed at clients, co-workers, staff, contractors, supervisors, management, or any person at the work site, in any state owned/rented conveyance, or off-site when acting as an employee of the Colorado OPG will not be tolerated. Neither will such behavior be tolerated against the work site nor any state owned/rented property. Such behavior will result in corrective or disciplinary action (including dismissal) and possibly criminal charges. The use of office property, such as telephone, fax machines, or email in threatening or inappropriate ways is also prohibited. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1, 5, 24.

- A. Violent behavior is defined as the infliction of threat of any bodily injury, harmful psychological contact or the destruction or abuse of property. This includes, but is not limited to, intimidating, threatening or hostile behaviors, offensive comments which are veiled, conditional, direct, written, or verbal, physical abuse, vandalism, arson or sabotage.
- B. Employees who feel that they have been subject to any behavior prohibited by this policy, have observed, or have knowledge of a violation of this policy should immediately report to their supervisor or Director. If an immediate threat exists, local law enforcement agencies should be contacted. All complaints will be taken seriously, investigated, and appropriate action taken.

#### **Policy 4.23. Harassment and Violence Complaint Procedure**

Employees who believe they have been subject to any form of discriminatory or harassing behavior by someone, including a supervisor, are encouraged to let the other party know clearly and calmly that they object. Employees uncomfortable with this approach, or whom find that the behavior continues, should bring the matter to the attention of the Director. If the complaint involves someone in the employee's direct line of command, the employee shall direct the matter to the Director. Complaints concerning the actions of the Colorado OPG Pilot Program Director shall be filed directly with the Commission. National Guardianship Agency Standards of Practice

for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1, 5, 24.

The initial report may be written or oral. Any person who receives an oral report of harassment should put the information received in writing and have it signed by the complaining party. In all cases, the recipient of the complaint must provide copies of the complaint documents to the Director, marked confidential.

- A. All reports of harassment shall be kept in confidence, except as it is necessary to investigate the complaint and to respond to any legal/administrative proceedings arising out of the report.
- B. All reports of harassment shall be promptly investigated by the Colorado OPG or its designee. The investigation, at a minimum, will include conferences with the complainant, the alleged perpetrator, and any witnesses to the incident to determine all facts that explain what happened. Any party involved in the harassment complaint may submit any documentation that believe to be relevant to the matter at issue to the investigating authority.
- C. The investigating authority will make findings and will recommend appropriate action, including but not limited to, mediation, education, corrective or disciplinary action (including dismissal), or a combination of such actions. If an investigation results in the finding that the complaining party made false accusations against another person, it may subject the complainant to disciplinary action or dismissal.

Retaliation for making a complaint or participating in the investigation of a complaint will not be tolerated. If you feel that you have been retaliated against, please contact your supervisor or the Director immediately.

#### **Policy 4.24. Dispute Resolution**

Disputes amongst employees of the Colorado Office of Public Guardianship (OPG) should be resolved at the lowest level and as informally as possible. The following process shall apply:

- The involved parties are expected to attempt to work through the problem and come to a working decision/common ground on their own.
- In the event that the employees are unable to resolve their conflict one on one, they may enlist the help of a supervisor to discuss the conflict.
- If the attempts listed above are unsuccessful, mediation through Colorado Judicial Department Mediation Program may be utilized. Mediation will not be utilized in cases involving discrimination, harassment, workplace violence, etc.

## **Policy 4.25. Chronic Illness/Disabilities**

The Colorado Office of Public Guardianship (OPG) believes it is our legal and humanitarian right to provide equal employment opportunity to chronically ill and other disabled individuals who can perform work without doing harm to themselves, co-workers, or clients. It is our policy to obtain doctor's assurances of the individual's fitness for duty before allowing the individual to begin work or return to work. The Colorado OPG is subject to the American with Disabilities Act (ADA) and will consider request from employees for accommodations consistent with ADA standards and protocols.

In the event that the Colorado OPG determines that an employee is unable to perform the essential duties and responsibilities of the employee's position due to physical or mental disability, and has considered all reasonable accommodations, the Director may consider termination of the employee in accordance with procedures established in this rule.

Prior to rendering a decision regarding the employee's status, the Colorado OPG shall review all medical considerations that may affect the employee, including but not limited to workers' compensation, the Family Medical Leave Act, the American with Disabilities Act, and Short/Long Term Disability. The Colorado OPG Pilot Program shall determine whether the employee is affected by any of these regulations.

If the employee is protected by the ADA, the Colorado OPG shall meet with the employee to:

- Analyze and define the essential duties and responsibilities of the position.
- Obtain information from the employee of how the disability limits performing the essential function(s) of the position,
- Consider all reasonable accommodation(s) that would enable the employee to continue to perform the essential functions of the job without presenting any undue hardship to the Colorado OPG,
- Determine which accommodation(s) can and will be used, if any.

Within 30 days after meeting with the employee, or later, with the agreement of the employee, the Colorado OPG will notify the employee whether an accommodation can be made that will allow the employee to continue to work for the Colorado OPG. If an accommodation cannot be made without imposing undue hardship to the Colorado OPG, the Colorado OPG may terminate the employee.

In the event that the decides to terminate the employee due to a physical or mental disability, the employee may appeal the decision.

### **Policy 4.26. Office Hours and Attire Policy**

All full-time employees of the Colorado Office of Public Guardianship (OPG) are contracted for a normal work week of 40 hours in a seven-day period. The time period is from Friday at 5:01 p.m. to the next Friday at 5:00 p.m. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. These hours allow for an hour lunch break to be scheduled. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1, 2, 5, 12, 13, 23, and 24.

Alternating or staggered work hours (i.e. early arrival, late departure, etc.) that can be scheduled in such a way as to not negatively affect the Colorado OPG workflow or availability of staff will be granted at the discretion of the Director.

A fifteen-minute morning and afternoon break will be allowed. These breaks may be used for smoking on the premises in designated smoking areas. The office buildings are designated as non-smoking facilities.

The holiday schedule of the Colorado OPG will coincide with a list approved by the Governor of the State of Colorado and distributed to employees. The Director has discretion to allow additional holidays.

The Colorado OPG is a public state agency. The image presented to the public should always reflect professionalism, both within the office and outside of the office while carrying out office duties. The following policies apply to the employees of the Colorado OPG. The Director may later these guidelines to fit specific needs.

- Wear neat clothing that is in good repair,
- Wear clean clothing,
- Wear clothing that covers your body appropriately,
- Unacceptable attire includes: miniskirts, overalls, tops that expose excessive cleavage, see-through shirts/tops, ripped or torn jeans.

The Colorado OPG implements “business casual Fridays” designated as dress down day. This day allows for casual yet appropriate attire. The exception to this designation is in the case of meetings or court appearances. Neat, well maintained jeans may be worn to work. Collarless shorts without slogans or writing on them may be worn.

Any questions regarding the appropriateness of attire should be directed to the employee’s direct supervisor or the Director. Employees who violate the policy on a chronic basis and whose supervisor finds that remediation does not modify the behavior are subject to discipline, up to, and including, termination. The Director may authorize exceptions to the policy for special purposes related to a special event or an employee’s physical need, weather conditions, regular job duties, or performance of a specific, isolated task.

## **Policy 4.27. Inclement Weather**

Denver/2<sup>nd</sup> Judicial District Office: If the 2<sup>nd</sup> Judicial District courts and State Court Administrator's Offices (SCAO) are closed due to inclement weather, or on a weather-related delay, that will include the Colorado Office of Public Guardianship. Such closures are broadcast on local television and radio stations. The Director or Staff Assistant will contact staff to alert them of the closure/delay as well. If the 2<sup>nd</sup> Judicial courts and SCAO are not closed or on a delayed schedule, the Director can make the decision to close the office or allow staff to work from home. The Director will distribute this information to staff. An employee unable to get to the office due to inclement weather even though the office is open should contact the Director. The employee may use PTO in the event they cannot make it into the office and cannot work sufficiently from home.

## **Policy 4.28. Timekeeping Records and Reimbursement Request Records**

Each employee is responsible for completing monthly time sheets. Except for emergency situations, the Director must pre-approve time off. Non-exempt (hourly) employees are required to complete the monthly time sheets that outline the specific hours worked each day within the given month, and they must also complete a Request and Authorization for leave taken within the month. Both forms must be forwarded to the Staff Assistant. A Request and Authorization form must be completed by every employee on a monthly basis, even if no leave is taken. At the end of each month, hourly employees' time sheets are verified for accuracy and forwarded to the Human Resources Division for entry into the payroll system. Accrued leave records for each employee are maintained by the Staff Assistant. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standards; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1 - 5, 13, 16, 23, and 24.

Public Guardians are also required to track case-related activity in the Case Management System. The employees should refer to the Case Management System user and billing manuals for detailed instructions.

Each employee is responsible for tracking their own time off on a monthly basis. Employees will complete the Monthly Leave Reporting form listing all Paid Time Off (PTO), Funeral and Extended Sick Leave (ESL) taken each month.

Reporting of PTO or ESL:

- A. All employees must submit a Monthly Leave Reporting of Request for Authorization form to the Director on or before the 5<sup>th</sup> calendar day of the subsequent month (e.g. the Monthly Leave Reporting form for any leave taken in June is due to the supervisor by July 5).



- B. All leave forms must be signed/dated by the employee and Director.
- C. If no time off is taken in a month, an employee must submit a form indicating such.
- D. Employees' leave forms must be submitted to the Staff Assistant by the 10<sup>th</sup> of each month.
- E. The Staff Assistant will update the leave balances for all employees and provide the current leave balance schedule to the Director by the 20<sup>th</sup> of each month.

### Reimbursement Requests

Each employee is responsible for completing monthly Judicial Reimbursement request forms, if applicable. At the end of each month, employees' Judicial Reimbursement request forms are verified for accuracy and forwarded to the Human Resources Division for entry into the payroll system.

### Requesting Reimbursement:

- A. Employees must complete the Judicial Reimbursement request form and attach all receipts and necessary documentation
- B. All employees must submit the Judicial Reimbursement request form to the Staff Assistant on the last working day of each month. (e.g. Judicial Reimbursement request form for expenses incurred during the Month of May, must be submitted by May 31, or the last working day of May).
- C. All Judicial Reimbursement request forms must be signed/dated by the employee and Director.
- D. The Staff Assistant will review each Judicial Reimbursement request form and provide the Director with printed Judicial Reimbursement request forms and attached documentation by the 2<sup>nd</sup> day of the following month. The Staff Assistant will submit approved Judicial Reimbursement request forms to Human Resources Division no later than the 5<sup>th</sup> of the following month.

Public Guardians are also required to track case-related expenses in the Case Management System. The employees should refer to the Case Management System user and billing manuals for detailed instructions.

### **Policy 4.29. Drug and Alcohol Policy**

To ensure a safe and productive work environment, the Colorado Office of Public Guardianship (OPG) prohibits the use, sale, dispensing, manufacture, distribution or possession of alcohol, drugs or controlled substances during working time or on office premises or worksites. The

exception will be to alcohol stored on-site at the Director's permission for after-hours events. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1 - 5, 12, 13, 16, 23, and 24.

No employee shall report to work or be at work while their ability to perform their job is impaired by being under the influence of alcohol, drugs or controlled substances.

Any violation of this policy will result in denial of employment or disciplinary action, up to and including termination.

Excluded from this policy are prescribed controlled substances when used by the person for whom prescribed, and in the manner, combination and quantity prescribed. Although applicants and employees are not required to disclose the specific prescribed medication they are taking, employees who must use a medically prescribed over-the-counter drug that may adversely affect their ability to perform work in a safe manner must notify the Director of the potential impact prior to starting work.

Illegal use of drugs off duty and off premises or worksite is not acceptable, as it may affect on-the-job performance and the confidence of the public and clients in the agency's ability to meet its responsibilities.

If management has reasonable suspicion that an employee is in violation of this policy, or following any job-related accident, regardless of injury or damage, the Director may require an employee to submit to an appropriate test for substance abuse. Refusal to submit to testing may result in disciplinary action, up to and including termination.

The Colorado OPG may conduct unannounced inspections for violations of this policy in the workplace. All property of the office such as desks, file cabinets, lockers, etc. will be subject to inspection along with any property of the employees located on the office premises. Employees are expected to cooperate in any inspections.

The Colorado OPG supports sound treatment efforts; wherever practical, the Colorado OPG will assist employees in overcoming drug, alcohol and other problems which may affect employee job performance, as long as this policy has not already been violated.

*NOTHING IN THIS POLICY CONSTITUTES AN EXPRESS OR IMPLIED CONTRACT, GUARANTEE, PROMISE OR COVENANT OF ANY TYPE. EMPLOYMENT IS AT WILL, MEANING THE EMPLOYER MAY TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME WITHOUT NOTICE, CAUSE OR ANY SPECIFIC DISCIPLINARY PROCEDURES*

### **Policy 4.30. Employee Communications Policy**

All communications systems are to be used primarily for business purposes. Only limited or occasional use of the systems for personal purposes is acceptable, if done in a professional manner that does not interfere with business use.

Email and voicemail should be composed in a professional manner. Emails are subject to discovery and to CJD 15-01, Public Access to Administrative Records of the Judicial Branch. The email server will automatically permanently delete all deleted messages every 30 days. Deleting unnecessary messages helps to keep the IT systems functioning optimally.

In addition to the system hardware and software, all electronic files and messages are office property and business records, whether composed, received or sent by the employee.

Employees are required to change their passwords to the email and other Colorado OPG Pilot Program systems regularly. Employees are expected to respect the confidentiality of all messages. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles 1 - 8; National Guardianship Association Standards of Practice National Guardianship Association Standards of Practice 1 - 5, 11 -13, 16, 20, 23, and 24.

### **Policy 4.31. Media Contact Policy**

The information entrusted to the Colorado Office of Public Guardianship (OPG) is sensitive and private in nature. No information regarding the Colorado OPG or specific cases handled by the Colorado OPG or its independent contractors will be made available to any form of the media without express approval by the Director. Any employee contacted by the media with a request for such information will not release any information and will forward the request to the Director. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles 1 - 8; National Guardianship Association Standards of Practice 1 - 5, 11 -13, 16, 20, 23, and 24.

Any employee of the Colorado OPG found to have violated this policy by releasing sensitive information will be subject to discipline, up to and including termination.

#### **Social Media**

Online communications may be perceived by the Colorado OPG clients, 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, professionalism and impartiality of the Agency regardless of intent. Therefore, employees should exercise caution when conducting activities on the internet and when using social media both at work and off duty in order to preserve public confidence in the integrity, propriety and impartiality of the CO OPG Pilot Program.

Employees are prohibited from engaging in the following social media activities:

1. Disclosure of sensitive, confidential or non-public agency related information for any purpose not connected with official duties.
2. Posting personal opinions or making personal statements which give the appearance of a conflict of interest.
3. Use of Social Media at work must not take time or focus away from work assignments, customer service or professional interactions with clients, coworkers, the public or create the perception thereof.

#### **Policy 4.32. Case Management and Research System Use Policy**

All information technology communications systems are to be used primarily for business purposes. Only limited or occasional use of telephones, computers and the internet for personal purposes is acceptable, if done in a professional manner that does not interfere with business use. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles 1, and 6 - 8; National Guardianship Association Standards of Practice 1, 11 - 13, 20, and 23- 24.

Personal use of all Colorado Office of Public Guardian (OPG) Case Management System and databases is strictly prohibited.

- Employees must adhere to the following guidelines when using the Colorado Office of Public Guardian (OPG) Case Management System and databases and accessing files and client records:
  - Do not use the systems for any non-business research
  - Do not discuss or disclose information obtained with a third party without written permission of those involved
  - When viewing a case file, do not open documents marked “Sealed” or “Restricted” without a court order
- Employees who violate these rules will be subject to disciplinary measures, up to and including terminations.

All hard copies, files, electronic files, email and voicemail messages are the Colorado Office of Public Guardian property and are considered business records, whether composed, received or sent by employees.

### **Policy 4.33. Workplace Safety**

The Colorado Office of Public Guardian (OPG) takes every reasonable precaution to ensure that employees have a safe working environment. Safety measures and rules are in place for the protection of all employees. Ultimately, it is the responsibility of each employee to help prevent accidents. To ensure continuation of a safe workplace, all employees should maintain work areas in a safe and orderly manner, free from hazardous conditions. Employees who observe unsafe practice or conditions should report it to the Director immediately. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1, 5, 24.

The Staff Assistant serves as the Colorado OPG Emergency Coordinator. The Emergency Coordinator will attend quarterly and Emergency Procedures meeting with the City and County Building of Denver staff to ensure compliance with all building management expectations. Emergency Coordinator responsibilities include:

- Check and clear all rooms in the suite and shared conference room, closing doors once cleared.
- Advise personnel on the floor of the emergency and evacuation.
- Inspect stairwells for possible heat or smoke.
- Instruct personnel on process for a calm and organized evacuation to include forming a single-line into the stairwell and exiting along the right side of the stairwell.
- Remain with the evacuation group at all times, leading them to the predetermined safe area of 15<sup>th</sup> Street and Colfax, southeast corner.

The Emergency Coordinator will provide training for all Colorado OPG staff on any necessary safety compliance issues and changes that may arise to ensure all Colorado OPG Pilot Program are prepared for a building emergency. Safety training will take place at a minimum of one time per year. New staff will be trained on building safety by the Emergency Coordinator on their first day of employment.

Should the Emergency Coordinator not be available, the duties and responsibilities will be assigned in the following order: 1. Director then 2. Public Guardian.

A copy of the Emergency Procedures Guide for the City and County of Denver Building is located in the Colorado OPG work room along with a flash light and first aid kit.

In the event of an accident, employees must notify the Emergency Coordinator or Director immediately. Report every injury, regardless of how minor, to the Emergency Coordinator or Director immediately. Physical discomfort caused by repetitive tasks must also be reported. For more information about on the job injuries, refer to the workers' compensation section of this handbook.

Employees should recognize any potential fire hazards and be aware of fire escape routes and fire drills. Do not block fire exits, tamper with fire extinguishers or otherwise create fire hazards.

#### **Policy 4.34. Workplace Security/Visitors**

- a. The Colorado Office of Public Guardianship (OPG) employees must be alert and aware of any potential dangers to themselves or their coworkers. Employees will take every precaution to ensure that their surroundings are safe and secure. It is expected that employees will guard personal belongings and company property.
- b. Colorado OPG employees shall not provide their individual employee badge or building/office keys with any other individuals.
- c. Visitors to the City and County of Denver Building must pass through security. Visitors to the Colorado OPG must report to the Probate Court Clerk's office and register. Once registered, the appropriate Colorado OPG employee will be contacted to meet the visitor at the Probate Court Clerk's office. Visitors should only be allowed into the conference room and not led into employee offices, and always escorted when meeting with employees.
- d. Please report any suspicious activity to the Staff Assistant, Director, or Probate Court Clerk's office staff or the Colorado State Patrol immediately. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principles; National Guardianship Association Standards of Practice 1, 5, 24.

### **Policy 4.35. Conflict of Interest Policy**

The Colorado Office of Public Guardianship (OPG) will strive to avoid any conflicts of interest in connection to past, present, and future cases. An employee shall immediately notify the Director of any case filed with any judicial district where the employee has personal, business, or family interest. The employee shall avoid any involvement in the processing of the matter before the court, including electronically accessing the case. Failure to immediately report the existence of such matters in writing, but in no event later than three calendar days after the employee becomes aware of the conflict, may result in corrective or disciplinary action.

The Colorado OPG maintains a list of clients, donors and grantors to ensure that there are no conflicts of interest, or the appearance of a conflict. National Guardianship Agency Standards of Practice for Agencies and Programs Providing Guardianship Services Standard I, II, III, V, and VI; National Guardianship Association Ethical Principle 7 and 8; National Guardianship Association Standards of Practice 1 - 5, 11 - 13, 16, 20, and 23 – 24.

### **Policy 4.36. Unauthorized Practice of Law**

Any behavior by non-attorney employees that might be construed as practicing law shall be avoided. Non-attorney staff SHOULD NOT:

- Recommend to clients or members of the public that they take specific legal steps;
- Tell clients or members of the public how a lawsuit, negotiation or other legal action will probably turn out;
- Outline a client's or member of the public's rights and/or obligations for them;
- Interpret statutes, decisions or legal documents.

Non-attorney employees can relay information provided by an attorney to a client or member of the public, but providing that information on their own may be considered giving legal advice. Beware of situations such as:

- What are my options?
- How do you interpret this?
- What does this mean?

If a client or member of the public, asks non-attorney staff to define a legal term, they should be referred to an attorney. Non-attorney employees should not reword an attorney's legal jargon to attempt to help clients or members of the public to understand. The appropriate approach is to state that you will check with the attorney and get back to them. If non-attorney staff inadvertently provides legal advice the Director must be notified immediately.

Employees who violate this policy shall be subject to disciplinary action, up to and including termination. National Guardianship Agency Standards of Practice for Agencies and Programs

Providing Guardianship Services Standard I, II, III, VI, and VI ; National Guardianship Association Ethical Principles 6 - 8; National Guardianship Association Standards of Practice 1 - 5, 11 – 13, 16, and 23 - 24.

**Policy 4.37. Leave**

**Paid Time Off (PTO) and Extended Sick Leave (ESL).** Each full-time employee shall earn and accrue Paid Time Off (PTO) and Extended Sick Leave (ESL) from the date of initial employment with the state as follows. Note that ESL can only be used in conjunction with a qualifying Family Medical Leave Act (FMLA) event. Any unused ESL in excess of the maximum remaining at the end of each calendar year shall be forfeited.

**PAID TIME OFF**

Years of Service	Monthly Accrual in Hours	Maximum Accrual in Hours
First Year	14	168
2 <sup>nd</sup> – 4 <sup>th</sup>	16	330
5 <sup>th</sup> – 10 <sup>th</sup>	17	350
11 <sup>th</sup> – 15 <sup>th</sup>	20	378
16 <sup>th</sup> and over	22	426

**EXTENDED SICK LEAVE** – for any length of service

All Years of Service	Monthly Accrual in Hours	Maximum Accrual in Hours
	4	360

- A. All employees less than 1.00 FTE will accrue PTO and ESL on a prorated basis.
- B. An employee shall not earn PTO or ESL during a period of disciplinary suspension or during any period of leave without pay except otherwise approved by the Director.
- C. The Director may approve the transfer of ESL to another employee under extenuating circumstances. The employee receiving the ESL must already have an existing and qualifying FMLA event.
- D. An employee who is appointed to a position with the Colorado Office of Public Guardianship (OPG) from a position at another state agency shall receive a transfer of their current leave balances from that agency to the Colorado OPG. The employee’s annual leave will be converted to PTO subject to the maximums permitted under this rule. One third of the employee’s sick leave shall be converted to PTO and two thirds shall be converted to ESL.
- E. Upon separation/termination of employment, an employee shall be compensated for all unused and accrued PTO subject to the maximums permitted under this rule. ESL is not paid out to the employee.



- F. Upon the death of an employee, compensation for unused and accrued PTO shall be submitted to the surviving spouse, domestic partner, or if none, the estate of the deceased.

#### **Policy 4.38. Funeral Leave**

The Colorado Office of Public Guardianship (OPG) shall grant funeral leave with pay to attend the funeral or memorial service of a: spouse, domestic partner, child, parent, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, grandchild, brother, sister, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin. The employee may request authorization from the Colorado OPG Pilot Program to use funeral leave for other persons. Domestic partner is defined as an individual with whom the employee is in a domestic partnership registered with a city of domicile or the state.

Normally, funeral leave may be granted only to arrange for, travel to, attend, and return from the funeral or memorial. However, the Colorado OPG may grant up to a maximum of 40 hours, prorated for part-time employees, depending upon the relationship or the employee to the deceased, even though these activities do not require the full amount of time. Funeral leave may not be granted for the settlement of estates.

#### **Policy 4.39. Jury Duty Leave**

Upon presenting a summons for jury duty, or subpoena to appear as a witness in a case arising in the court of employment and within the scope of the Colorado Office of Public Guardianship (OPG) employee's job duties, employees shall be granted leave with pay for the duration of such compulsory service. Upon conclusion of jury service, the Colorado OPG employee is required to provide a jury certificate to the Director.

#### **Policy 4.40. Military Training and Military Leave**

Upon presenting proper military orders, a member of the National Guard or military reserve is granted up to 15 working days of military training leave in any calendar year for the annual encampment or equivalent reserve training. The Colorado Office of Public Guardianship (OPG) employee who enters active military service is granted military leave.

Any remaining portion of military training leave is granted before being placed on unpaid military paid leave. The Colorado OPG employee must return to work upon release from active duty in serving in the National Guard for a state emergency. The Colorado OPG employee called to active military service must apply to return to work no later than 90 days after release from active duty. Prior to returning to work, an employee on military leave shall submit an application for reinstatement and provide a copy of the honorary discharge or other form of military release

indicating the military service was satisfactory. Failure to return within these stated times are deemed a resignation from state employment.

#### **Policy 4.41. Victim Protection Leave**

Victim protection unpaid leave shall be granted for up to 24 hours per calendar year for victims of stalking, sexual assault, domestic abuse or any other crime in which the underlying basis of which has been found by a court of record to include an act of domestic violence. A Colorado Office of Public Guardianship (OPG) employee must have one year of continuous state service to be eligible and shall substitute paid time off to cover the absence, if available.

Victim Protection Leave is available for the following purposes: to seek a civil protection order; to obtain medical or mental health treatment for the employee and/or the employee's children; to secure safe housing; or to obtain legal assistance. All information related to a request for victim protection leave shall be held confidential and maintained in a separate file other than the employee's personnel file with limited access.

#### **Policy 4.42. Leave Without Pay**

Leave Without Pay (LWOP) may be granted at the discretion of the Director and requires prior approval by the Director. LWOP results in an adjustment to service dates forward one month for each 173 hours accumulated in a 12-month period and affects the amount of paid leave earned. LWOP may run concurrently with family medical leave.

#### **Policy 4.43. Administrative Leave**

Administrative leave is paid time off that is granted by the Director for purposes that the Director determines are for the good of Colorado Office of Public Guardianship (OPG).

Colorado OPG employees with fewer than three hours of non-work time scheduled between 7:00 a.m. and 7:00 p.m. on General Election Day (even numbered years) are granted two hours of administrative leave to vote provided that the employee has notified the Director of the request for leave prior to the day of election.

Upon the Director's discretion, Administrative/Holiday Leave provided by the Judicial Branch may be granted to Colorado OPG employees.

#### **Policy 4.44. Unauthorized Leave**

The Director shall have discretion to determine the disciplinary action, up to and including termination, for any unauthorized absences from work. The Director, in their discretion, may convert such absence to leave without pay where substantial extenuating circumstances are found to exist.

#### **Policy 4.45. Short-Term Disability Leave**

Short -Term Disability (STD) benefits are available for up to 180 days. The 180 days includes any waiting period imposed by the insurance carrier. The Colorado Office of Public Guardianship (OPG) employee must notify the Director at the time that a benefit application is submitted. The Colorado OPG utilizes the Colorado Judicial Department's Human Resources Division for administration of the state's Short-Term Disability Program.

A Colorado OPG employee is eligible for up to 180 days of STD leave when applying for or receiving short-term disability benefits. To be eligible for the leave, the application for the benefit must be submitted to the insurance carrier within the later 1. 30 days from when the absence begins; or 2. 30 days prior to exhaustion of all extended sick leave. There is a 30-day waiting period before the STD benefits begin during which you must use any injury leave or accrued extended sick leave, and leave without pay, if necessary. STD payments will not commence until all extended sick leave has been exhausted. Family medical leave may run concurrently with leave related to the short-term disability. At the discretion of the Director, Colorado OPG employees may be granted leave without pay.

#### **Policy 4.46. Family Medical Leave**

The Colorado Office of Public Guardianship (OPG) utilizes the Colorado Judicial Department's Human Resources Division for administration of Family and Medical Leave. Family Medical Leave (FML) is a period of unpaid leave of absence granted to an eligible employee. To be eligible, the Colorado OPG Pilot Program employee must have one year of total state service as of the date leave will begin and must have worked at least 1,250 hours in the preceding 12 months. Such service is time on the payroll, regardless of employee type, and need not be consecutive.

FML provides time off work but does not provide for pay continuation. Any continuation of pay during a period of FML will occur only if a pay continuation provision also applies during that time. With the exception of leave taken to care for an injured military service member, the maximum combined total time allowed for FML is 12 work-weeks in an event year basis, except in certain circumstances where both spouses work for the Colorado OPG. A total of 26 work-weeks of leave (including any other approved FML in a single 12-month period) are available to care for an injured or ill family member serving in the Armed Forces, as provided under this rule.

Colorado OPG employees who work a 1.0 FTE are eligible for up to 480 hours of family/medical or active duty family leave per fiscal year. Military caregiver leave is a one-time-period of up to 1040 hours in a single 12-month block, counted from the date the leave begins. Colorado OPG employees who work less than a 1.0 FTE are eligible for a prorated amount of leave based on the regular appointment or the number of work hours in the preceding 12 months. Any extension of leave beyond the amount entitled to is not FML and is treated as any other type of paid or unpaid leave.

FML is granted to eligible employees for:

- Inability of the employee to perform the functions of their position due to a serious health condition;
  - Attendance at the birth of the employee's own child;
  - Bonding time with the employee's child, if within 12 months after birth;
  - Placement of a child with the employee for adoption or foster care, if within 12 months after date of placement;
  - Serious health condition of the employee's child, including adult children not living in the employee's home, spouse, domestic partner, parent, including parents not living in the employee's home, OR the serious health condition of a person living in the employee's household for whom the employee is the primary caregiver, if such leave is medically necessary for the care of that person, child, spouse or parent or to assist in their recovery;
  - Qualifying exigency due to a spouse, child, or parent being on or being called to active duty in the Armed Forces, including the National Guard and Reserves for deployment to a foreign county in support of a contingency operation.
  - Care of employee's spouse, domestic partner, child, parent or next of kin who is a member of the Armed Service, including the National Guard and Reserves or covered veteran within five years of service, with a serious injury or illness incurred in the line of duty while on active duty or which existed before the beginning of the service member's active duty and was aggravated by service in the line of duty while on active duty. A covered veteran is one who has been discharged or released under conditions other than "dishonorable" within five years of the day the employee first takes leave for the individuals care.
- A. Miscellaneous FML Provisions. Paid time off and extended sick leave will accrue during periods of unpaid family or medical leave. Holidays are granted during unpaid family or medical leave.
- B. Request for Leave. The employee should inform the Director of the need for leave. If the necessity for the leave is foreseeable, the employee must notify the Director of the request for leave 30 days in advance, or as soon as practicable before the leave is to commence. If the leave is unforeseeable, the employee should give notice of the need

for leave as soon as practicable under the circumstances, normally within one or two working days.

- C. Intermittent Leave/Reduced Work Schedule. In limited circumstances as described below, an employee who is eligible for family or medical leave may be permitted to work a reduced schedule per workweek or hours per day or may take intermittent leave of separate blocks of time rather than one continuous period of time.

In cases of a serious health condition of the employee or a family member, such leave will be permitted only in circumstances when it is medically necessary. Appropriate medical certification will be required.

Where a reduced work schedule or intermittent leave is foreseeable based on planned medical treatment, the Colorado OPG Pilot Program reserves the right to transfer the employee temporarily to another position with equivalent pay and benefits that better accommodates the employee's recurring periods of leave.

In other cases in which employees are eligible for family and medical leave, such as the disability period following the birth of a child, and child care, adoption or placement of a child, an employee may take intermittent leave or reduced work schedule only if the Director agree. The Director may review the individual circumstances involved in considering such requests and may take into account the employee's length of service, number of requests, duties, workload and employee's job performance in making such decisions.

Any leave granted, based on a reduced work schedule or intermittent leave, will be treated in the same manner as other absences under the family or medical leave.

- D. Return from Family or Medical Leave. An employee returning from leave will be reinstated to the same or an equivalent position. An equivalent position is one having virtually identical pay, benefits and working conditions and involving the same or substantially similar duties and responsibilities.

A completed and signed Fitness to Return to Work form is required to verify an employee's ability to return to work following any hospitalization, or absence of more than three days due to the employee's serious health condition as defined by this section.

Employees shall provide proper medical certification, including additional medical certificates and fitness-to-return certificates. If the employee does not provide the required medical certificates, the Family or Medical Leave request may be denied.

## **Policy 4.47. Workers' Compensation**

It is the responsibility of every employee to observe safe practices at all times. Colorado Office of Public Guardianship (OPG) employees must bring unsafe working conditions, practices or procedures to the attention of the Director, who shall correct safety hazards in a timely fashion. Violation of state, Colorado OPG, or other official safety standards is cause for disciplinary action.

The Director and Colorado OPG are automatically covered under the Colorado Workers' Compensation Act for injuries sustained in the course of their employment. If one is injured seriously enough to cause an individual to miss work because of the injury, a portion of the Director's or Colorado OPG employees' lost time, medical, and rehabilitation expenses may be paid for by this insurance. The Colorado OPG utilizes the Colorado Judicial Department's Human Resources Division for administration of the state's Workers' Compensation program.

It is extremely important that the Director or the Colorado OPG employee report all incidents in a timely manner. In all cases of on-the-job injury, the individual must notify the employer in writing of the job injury within four days of the injury. Also, if the individual contributes to the cause of the injury or illness, or if it determined that the injury was due to willful misconduct or negligence on the part of the individual, the benefits may be reduced or denied. All medical treatment shall be authorized and provided by a designated medical provider in order to be covered by the workers' compensation third party administrator except in the case of an emergency, where life or limb is threatened, the injured worker may seek medical attentions from the nearest medical facility. Further follow up care must be coordinated through one of the designated medical providers. With a few exceptions, visits to non-designated health provider will not be paid by workers' compensation.

Family and Medical Leave (FML) shall be initiated for the employee, if eligible, as of the first absence following the date of injury. Leave taken due to an on-the-job injury will be applied to the maximum time allowed for FML. FML shall run concurrently with any workers' compensation absence as of the first absence following the date of injury.

Workers' Compensation Leave and the First Three Days (24 cumulative hours or three consecutive shifts) of Missed Time – The first three days (24 cumulative hours of three consecutive shifts) of lost time due to an on-the-job injury, not including the date of injury, an employee shall be allowed to use extended sick leave or compensatory time, if available. The first three days (24 cumulative hours of three consecutive shifts), not including the date of injury, are not subject to wage replacement until fourteen calendar days (80 cumulative hours), or a prorated equivalent amount of time for a part-time employee, are missed from work.

Workers' Compensation Leave; Wage Replacement Provisions and Supplemental Income – When an employee has missed three days (24 cumulative hours of three consecutive shifts) and receives workers' compensation wage replacement benefits, an employee shall have the option of supplementing the workers' compensation wage and replacement by charging one fourth of

the total missed time due to an on-the-job injury to extended sick leave, if available. The remaining missed time will be leave without pay.

An employee may only use accrued extended sick leave to supplement workers' compensation wage replacement. An employee is not eligible to use compensatory time off or paid time off to supplement workers' compensation wage replacement.

Continuation of Benefits – An employee on unpaid family or medical leave due to an on-the-job injury will be retained on the Colorado state's group insurance plans so long as the employee pays the employee's portion of the insurance premiums. The Colorado OPG Pilot Program shall continue to pay the employer's share of the premiums throughout the unpaid family or medical leave when an employee pays the employee's portion of benefits.

Leave Benefits – An employee shall continue to accrue paid time off and extended sick leave while on workers' compensation leave and/or unpaid family or medical leave for an on-the-job injury. No adjustment in computing service dates, seniority, earning of paid time off, extended sick leave, annual performance increases, or leave accrual rates shall be made as a result of any such leave taken.

Workers' Compensation and "Make Whole" Provision – An employee who is injured on the job and receiving workers' compensation payments shall have the option of using accrued paid time off, or extended sick leave, if leave exceeds 80 cumulative hours in the event year, on a "make whole" basis, meaning accrued leave may be used to make up the difference between the workers' compensation wage loss benefit payments and the employee's gross base pay. Employees who choose to be "made whole," shall first use their accrued paid time off, extended sick leave conditions permitting, and then any other accrued leave available to make up the difference between the workers' compensation wage loss benefit and the employee's gross base pay. Family or medical leave provisions in these rules shall not apply to employees who choose to be "made whole" through the use of accrued paid leave until all accrued leave has been exhausted.

Workers' Compensation and Family or Medical Leave – If an employee does not choose to be "made whole" as described above, or has exhausted accrued paid leave, the leave shall be reported as "injury leave" and "leave without pay" concurrently on the monthly leave record. Family or medical leave shall be initiated for the employee, if eligible. Where paid leave is not being used, all injury leave will apply to the maximum length of family or medical leave in an event year. At no time can an employee be on paid time off (including extended sick leave), injury leave, and family or medical leave concurrently. An employee may only be on two of the three leave types at any one time.

#### **Policy 4.48. Medical Certification**

The Director may at any time request or require medical certification and fitness-to-return certificates as set forth in this section before approval of paid time off or extended sick leave and may investigate an alleged illness or injury any time the improper use or abuse of paid time off or extended sick leave is suspected. The Director may deny the use of paid time off or extended sick leave if the employee fails to provide such medical evidence, or if the investigation supports a reasonable belief that the employee is improperly using or abusing paid time off.

The employee must complete forms and provide appropriate documentation, as may be requested, to verify reasons for the leave. Any request for leave based on a serious health condition, whether it involves the employee or a family member, must be supported by appropriate medical certification.

Failure of the employee to provide notification and appropriate medical certification within 15 days may result in delayed approval. The Colorado Office of Public Guardianship (OPG) reserves the right to request a second medical opinion at the Colorado OPG 's expense and may request additional certifications at 30-day intervals, if appropriate.



## **ACKNOWLEDGEMENT**

By my signature below, I acknowledge that I have received a copy of the Colorado Office of Public Guardianship Personnel Standards which outlines some of the policies, procedures, practices, and benefits of the agency, and which supersedes and replaces any and all prior standards, policies, procedures, practices or benefits. I have read and understand the information in it and agree to abide by the standards during my employment. By signing my name below, I represent that I have asked questions and received clarification on any issue of concern to me under the standards of the Office's policies, procedures, practices or other benefits.

I understand the standards, as well as any other policy, procedures, practices or benefit may be subject to change or may be deleted at the discretion of the Director. I understand that my job description may be amended by the Director, or as set forth in the provisions herein. I understand fully my responsibilities and what is expected of my performance and me, and if I do not, I will obtain direction and guidance from the Director.

I UNDERSTAND THAT THESE STANDARDS, ANY OTHER POLICY, PROCEDURE, PRACTICE OR BENEFIT DOES NOT CONSTITUTE AN EXPRESSED OR IMPLIED CONTRACT, GUARANTEE, PROMISE, OR COVENANT OF ANY TYPE. I ACKNOWLEDGE THAT MY EMPLOYMENT WITH THE COLORADO OFFICE OF PUBLIC GUARDIANSHIP MAY BE TERMINATED WITH OR WITHOUT CAUSE BY THE DIRECTOR.

\_\_\_\_\_

Employee Signature

\_\_\_\_\_

Date